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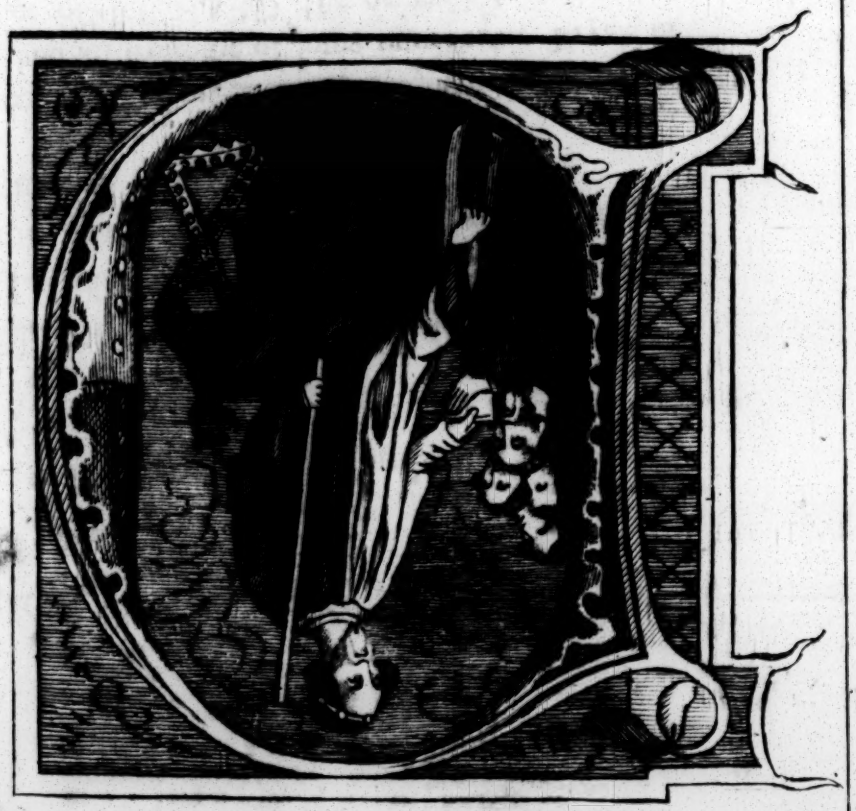

288 d 29

THE LORD HIGH STEWARD OF ENGLAND;

K.

OR AN

HISTORICAL DISSERTATION

ON THE

ORIGIN, ANTIQUITY, and FUNCTIONS of that OFFICER:

Shewing the Difference between him and the King's Chief Juſticiar, and the Steward of the King's Houſhold, and explaining the Offices of the two latter:

/ WITH

Remarks on the antient and modern Modes of trying PEERS; and an Epitome of ſome remarkable Tryals in the Reign of RICHARD II. / never before digeſted and publiſhed:

/ To which is added,

A Catalogue of the HIGH STEWARDS of ENGLAND, from the Conqueſt to the preſent Time, with the Names, Crimes, and Sentences of the PEERS whom they tried. /

IN THIS DISSERTATION

The Account given by Lord Chief Juſtice COKE of the Office of HIGH STEWARD is ſtated and confuted.

LONDON:

Printed for C. PARKER, Bookſeller, in New Bond Street.

M.DCC.LXXVI.

EXPLINATION

OF THE

FRONTISPIECE.

THE upper part is a repreſentation of John of Gaunt Duke of Lancaſter hearing and determining the claims of thoſe, who were entitled to any office at the coronation of Richard II. On his head is a circlet of gold and pearls; the ſame probably that Edward III. his father put on him, when he made him Duke of Lancaſter in parliament, 13 Nov. 36 Edward I I. A. D. 1362. This circlet is without the cap of furr, which Edward put on his head, at that ceremony, previous to the impoſition of the circlet. His hair is curled in the faſhion of that time. Round his neck is a rich collar of gold and flowers wrought. In one hand, he bears the ſtaff of his office; in the other he has a roll, which he is delivering to a perſon below him, probably to Thomas of Woodſtock, his younger brother, Conſtable of England; who, we may ſuppoſe, is receiving the inſtrument, which confirms him in the office of Conſtable, and authorizes him to act at the enſuing coronation. This perſon's outward robe or coat is half of a dark blue from top to bottom; the other half of a kind of reddiſh yellow. The other figures in the picture are deſigned probably to repreſent the High Chamberlain, the Mareſchal, of England, and ſome other great perſon, who were petitioning the High Steward, to be allowed their reſpective claims. The ſeat is a ſort of ſtool painted and carved, with a green cuſhion. The ground of the piece is red.

This picture is done on vellum, and contained within the cavity of the letter *D* highly illuminated, being

the initial of the record, mentioned in the ſeventeenth page of this Diſſertation.

THE lower part of the frontiſpiece is taken from a wax ſeal, appending to a deed now remaining in the Dutchy Office, dated 28 Jan. 39 Edward III. The workmanſhip of the ſeal is beyond any thing of the kind which I can diſcover, previous to that time. The ſymbols of the eagles and padlocks on the ſides of the atchievements, I ſhall not pretend to explain. Such a deviſe on a ſeal, and ſo curiouſly executed, ſeems to be ſomewhat peculiar, and to denote that the age was improving in taſte and ſentiment; or at leaſt, to ſhew, that John of Gaunt the richeſt and moſt accompliſhed man of his time, affected ſome diſtinction on the points of moral knowledge, and a fancy for the fine arts. On the circumference of the ſeal are the following words abbreviated—*Sigillum privatum Johannis Ducis Lancaſtriæ, Comitis Richmondiæ, Derbiæ, Linconiæ, Leiceſtriæ, Seneſchalli Angliæ.* We ſee from hence he paid ſome regard to the title of Steward of England: which however we do not find he made any uſe of, till after the death of Edward III.

OF THE

HIGH STEWARD

OF

ENGLAND.

AN

HISTORICAL DISSERTATION.

HAVING been employed for ſome time paſt in an hiſtorical reſearch, relative to ſome of our Norman Princes, I had occaſion to inform myſelf of the nature of the great offices, which were hereditary from the time of William the Firſt. Of theſe, the four principal were the Steward, the Chamberlain, the Conſtable and the Mareſ-

chal, of England. The writings of our Engliſh Antiquarians did not give me the ſatisfaction I expected, with reſpect to any of thoſe officers. I found only a part of their functions deſcribed, and that in a very general and confuſed manner. I was left uninformed of what I wanted principally to know; namely, what particular influence thoſe officers had in the courts of our Norman Kings; how far they were honorary, and ſubſervient to the pageantry of the court; and how far they were appointments of political wiſdom or benefit. I wanted to define the exact limits of their authority, and the conſequence of their characters in the ſucceſſive periods of our hiſtory; as I found, that offices, which at one time implied preheminence and action, retained their names and rank, when the duties formerly belonging to them, were transferred to other departments of the ſtate, and to new modes of government. The curious reader will ſee the propriety of theſe diſtinctions, and lament the want of them in the writings of our Engliſh antiquarians and hiſtorians.

In the inveſtigation of this ſubject, I met with more embarras, in what concerned the office of Steward of England, than in what reſpected any of the others. But I did not much wonder, that our Antiquarians had only

only an imperfect conception of this officer; when I found, that in the time of Edward the Second, his duty and emoluments were very little underſtood, even by the Court itſelf. This King being deſirous to know, (as the inſtrument itſelf ſets forth) what Fees the ancient Earls of Leiceſter, at the time they were Seneſchals in fee to his progenitors, Kings of England, uſed to receive and enjoy in reſpect of their office; and what Fees did in thoſe times belong to that office, commanded the Barons of the Exchequer by his writ, to ſearch the rolls, books, and memoranda of the Exchequer, touching the premiſes, and to certify the King thereof under the Exchequer ſeal. But what certificate was made by the Barons, I do not find. Madox.

In Catalunna, where was an officer of much the ſame ſort, there were doubts about his authority and offices, according to Surita the hiſtorian of Arragon, ſo long ago as the year 1263. The matter was there referred to four arbitrators, who declared and ſettled the ſame according to the ancient uſage of other kingdoms in like caſe, and to the particular cuſtoms of Catalunna. But the hiſtorian does not tell us the particular duties of the Steward of Catalunna. It appears, however, that the office was hereditary

tary there, and that he preſided in certain cauſes even in the King's preſence.

Finding this a ſubject of ſo great obſcurity, I was nearly diſcouraged from purſuing it: but as I had now inſenſibly poſſeſſed my mind pretty ſtrongly with it, I continued to think of it. At length I determined to examine the French hiſtory, and ſee whether the antiquarians of that country would not aſſiſt me in tracing the origin and functions of the High Steward of England; who, I was well perſuaded, had his extraction on the Gallic continent. The reſult of my reading on this ſubject, is the following Diſſertation; which is longer, than I could wiſh it to be: but, as the ſubject is treated in a new manner, and will be intereſting to ſome, who delight in this kind of knowledge, I thought it better to be long, ſo I was clear, and explicit, than to be ſhort and unſatisfactory.

See Hearne. The moſt learned of our antiquaries hold the office of High Steward of England, to have been introduced here ſoon after the Norman conqueſt, by William the Firſt. The Saxon Kings, of this country, had indeed their Steward; who ſeems to have been a kind of Prime Miniſter to them, aſſiſting them in the management of their affairs in general, eſpecially ſuch, as were diſpatched in the King's houſhold, and he took the greateſt perſonal intereſt in: But the

Charge

Charge was never hereditary among the Saxon Princes; nor were the ſervices of it the ſame, as were appropriate to the hereditary Stewards under the Normans, who copied the Kings of France in the eſtabliſhment of their Courts.

In Latin the Steward of England is called *Seneſchallus Angliæ*. John of Gaunt bore this title on ſome of his ſeals. Both words, namely, Steward and Seneſchallus are derived from the old German, the great matrix of languages in this part of the world. The learned are not agreed about the etymology of either word. That of Sir Robert Cotton is, I think, one of the beſt explanations of Steward.—Steward (he ſays) is *quaſi Stedward*, and conſiſteth of the two Saxon words *Sted*, or *Stith*, which ſignifyeth *an Houſe*; and *Ward*, a *Guardian*, *Guide*, or *Governor*. This tho' not in ſound, yet in ſenſe, wholly agrees with the name of an officer among the Greeks, called Οἰκονόμος, and the *Diſpenſator* and *Villicus* of the Romans. But ſuch people, as are deſcribed by the Greek and Roman writers under thoſe terms, were only the head ſervants of families; officers of ſtate were never, that I know, called by thoſe words. A learned antiquarian of our country, who lived in the time of Queen Elizabeth, ſpeaking of the Steward of England, ſays, "Examine the

Sandford.

Mr. Tate, in Hearne's Cur. Diſc.

etymology of this officer's name in any language, and you ſhall find the office had its original in the houſhold, and in the ſame only was exercible." The firſt part of his obſervation is, I believe, very true: but the latter, perfectly erroneous, as will appear hereafter.

The Latin word for Steward is Seneſchallus, from whence comes the term Seneſchal in French. According to Tilius, in his ſecond book De Rebus Gallicis, it is compoſed of the German word *Schall*, ſignifying a *Servant*, or *Officer*, and *Gheſind*, a *Family*: ſo that Seneſchallus is *Officialis Familiæ*: but Lupanus in his ſecond book *De Magiſtratibus Galliæ*, ſuppoſeth it to be deduced of the old word *Sen*, ſignifying *Juſtice*, and *Scalcum* ſignifying a *Præfect*, or *Governor*, ſo that Seneſchal ſhould be a chief officer of Juſtice. This derivation is preferred by our Lord Chief Juſtice Coke, and very well applies to the Judicial part of the Seneſchal's office. In the times of the Roman Emperors, the palace was the ſupreme ſeat of juſtice. The place of the Prince's reſidence was the chief tribunal, I believe, in all the ancient kingdoms of the world. Under Charlemagne and his deſcendants, whoſe civil inſtitutions were followed as a kind of pattern both by the French and Normans, Juſtice was diſpenſed in the King's palace: thither

was

was the great reſort for Juſtice, both of the houſhold and of the realm.

Our learned Hickes, who underſtood theſe matters, as well as moſt men, fetches *Seneſchal* from the old Norman word *ſin*, which ſignifies *himſelf*, or *his own*; and *Schallus* a *Miniſter*, or *Officer*, and from thence ſuppoſes *Sineſchallus*, as it is written in many old books, to import a vicarious miniſter or ſervant of a Lord; or a perſon acting in his maſter's ſtead, in one or more kinds of employment, as it may happen.

The learned Du Cange leans to the ſolution given by Sir Robert Cotton of this word: —" Seneſchal was an Official in the courts of Kings, and great perſons; on whom lay the care of the houſe: originally his buſineſs conſiſted in the care of his Lord's houſe and family." And this ſeems to have been held, as the ſenſe of the word in former times; for the Seneſchals of Caſtill and Arragon were called Major-domos; a word in common uſe amongſt us at this day, to denote the principal ſervant of a great family, who has the charge of his maſter's affairs.

As I ſuppoſe the Stewardſhip of England to have been brought hither from France; in order to give the reader a proper idea of it,

I muſt carry him far back into the French hiſtory. The office in England will appear ſo cloſely copied from that in France, that to explain and deſcribe the former, I muſt give rather a minute account of the latter. To avoid obſcurity in this detail of the French Seneſchal, I ſhall previouſly take notice, that the French uſually divide their hiſtory into three Æras.

The firſt of theſe begins with the commencement of their monarchy in Pharamond, A. D. 418.

Henault Mezeray.

Pharamond was ſucceeded by Clodion, Meroveus and Childeric. Of theſe ſo little is known, that ſome of the French hiſtorians have confeſſed that they could ſay nothing with certainty about them. Meroveus, however, is ſaid to have begun his reign A. D. 448. From him the Kings of the Firſt Race, as they are called, took the name of Merovingian. They continued to the year 731, when, for the firſt time, the crown of France paſſed into a ſtrange houſe, in whoſe hands it remained during the Second Race, called the Carlovingian, from Charles the Great, the ſon of Pepin, who uſurped the kingdom of France, and intailed it upon his poſterity; 'till they in their turn were ejected by Hugh Capet, who was crowned King of France A. D. 987. Capet, and his deſcendants, make

make the Third Race of Kings, and conſtitute the third Æra, not yet compleated; the preſent Kings of France being of the poſterity of Capet.

The ancient chronicles of France, as well as divers records, ſpeak of an officer under the Firſt Race, called Seneſchal, and mention him as a conſiderable perſon of the court. Marculfus, the Monk, puts him in the number of great officers, who judged with the King; but this, I preſume, was not the Seneſchal, to whom the hereditary Seneſchals of France owed their origin. P. Daniel Du Cange. Anſelme.

Theſe great Officers were of an higher, tho' not of ſo early an extraction. They did not appear, (I mean under the common name of Seneſchal,) till towards the end of the Second, or the beginning of the Third Race. Our incomparable Selden aſſerts, in his Titles of Honour, that the Seneſchal of France, and the Mayor of the palace, were one and the ſame perſon. Du Cange aſſerts, that the officers called *Majores Domus Regiæ*, and the Seneſchals, were in effect the ſame thing: [and an old Norman chronicle ſays, that the Seneſchalcie was in old times called the Mayoralty of the King's houſe.] It will appear in the ſequel, that theſe aſſertions are made upon good grounds. For the preſent then it being ſuppoſed, that the Mayor of the palace and the Chron. Norman. apud Du Cheſne, Scrip. Norm.

the Seneſchal, were the ſame kind of officer, only under different names, at different and diſtant periods of time; to give the reader a right conception of the one, I muſt give ſome account of the other. Father Daniel ſuppoſes that the Mayor of the palace, was an officer as ancient as the French monarchy. But he was not peculiar to that nation; for the Gothic Kings of Italy had officers of the ſame nature. We alſo read in Sozomen of the μείζων τῆσ βασιλικῆς οἰκίας among the Perſians. In the kingdoms of Arragon and Caſtile likewiſe, we find the Major-domus poſſeſſed of much the ſame power and juriſdiction, as were the Mayors of the palace of France. Theſe were appointed originally to eaſe the Prince, and ſeem to have been deſigned to ſuperintend his affairs in general, particularly thoſe of his houſhold; they were choſen at firſt by one and the ſame kind of election, as the King, namely, by the people. Franci (ſays a very ancient writer) *regem Hildernicum ſuper ſe levant*; *Majorem domus Vulfricum*. In general, however, the King's conſent was neceſſary to confirm their election; and he uſually approved the choice. Their employment at firſt was only temporary, at length it became hereditary: In early times it did not reach beyond the palace; by degrees they became the Kings miniſters, and the commanders of their armies:

Hearne's curious Diſcourſes.

Du Cange.

Henault.

mies: they proceeded to increaſe their authority, till they got into their hands the management of all public affairs, and left nothing to the King, but the empty name; which in the end they aſſumed. This extravagant power of the Mayor grew to its greateſt heighth in the reign of Clovis II, the Son of Dagobert, about the year 644: from which period to the end of the Merovingian Race, the Mayors of the palace governed the whole kingdom of France, according to their own intereſts and fancies. The titles given to theſe Mayors by the ancient writers, demonſtrate the greatneſs of their power. The Mayor is deſcribed by the following expreſſions, and others of the like emphaſis: —*Major domus regiæ, Moderator Palatii:* Præfectus Palatii, Dux Francorum; Dux & Major domus regni Francorum; and, at length, Subregulus. The diverſity of names, this officer acquired, was as great, as the ſeveral duties, which he exerciſed were various. Hottoman ſaith, that the various appellations of the Mayor, were no more than are contained in the ſingle word Seneſchallus; though ſeverally inlarged, and reſtrained according to times and circumſtances. This ſeems perfectly true, for we find the Mayor of the palace called Seneſchal in the early times of the Merovingians.

Mezeray.

Du Cange.

Hearne.

Pepin,

Pepin, the ſon of Charles Martel the laſt Mayor of the palace, having thruſt out the Merovingian family, and by an eaſy tranſition ſtepp'd into their place, the government was adminiſtered without any officer of that name. His functions of whatever kind, were divided, we may ſuppoſe, among the other departments of the ſtate. That there were no Mayors of the palace in the court of Charlemagne, is pretty certain from the following ſtory, related by Father Daniel in his hiſtory of France, and taken from an ancient chronicle.

About the year 802 Irene, the Empreſs of the Eaſt, made overtures to Charles, Emperor of the Weſt, to cement the divided empire by an intermarriage. Charles liked the propoſal, and diſpatched his ambaſſadors to Conſtantinople, to go on with the treaty. During their ſtay in the Imperial city, Irene was depoſed, and Nicephorus made Emperor. Being diſpoſed to keep well with the Weſtern Prince, he appointed his ambaſſadors to accompany Charles's miniſters in their way home; and he commiſſioned them to make propoſitions of peace between both empires. Charles, who had not long been advanced to the new title of Emperor, wiſhed to give the ambaſſadors of Conſtantinople

tinople an idea of French magnificence, and to ſhew them, that he, who had lately begun to bear the title of Emperor in France, knew how to ſupport the majeſty of that ſtation. For this purpoſe the Imperial Delegates were introduced to an audience, in a manner, which very much ſurprized them. Before they were brought to the place, where they were to ſalute the Emperor, they were made to paſs through four Saloons magnificently furniſhed: In which were diſtributed all the great officers of the houſhold; having at their head the officer of the crown, on whom they depended. In the firſt room they found him, who bore the name of Comes Stabuli, or Conſtable, with all the officers of the Ecurie, and all thoſe, who had any relation to that Dignity richly clothed, ſtanding with reſpectful countenances round the Conſtable, who was ſeated in a kind of Throne. The ambaſſadors, as might be expected, did not fail to take him for the Emperor, and were going to proſtrate themſelves before him: but thoſe, who were their conductors, ſtopped them, with telling them, that This was only one of the officers of the crown. They paſſed on to the Second room, where they found the Conté du Palais, incompaſſed with a train yet more ſplendid: and they took him again for the Emperor. In the third room,

they

they found him, who was called Maſter of the King's Table: In the fourth, the Grand Chamberlain; one and the other, each with his court, more brilliant yet, than thoſe in the rooms, which they had already paſſed. This contrivance continued to encreaſe the embarraſs of the ambaſſadors, and afforded their conductors the pleaſure of telling them, from time to time, that theſe were no other than the ſubjects of the Prince, and that they would ſee quite another Thing, when they had the honour of ſaluting him. They arrived at laſt at the apartment, where the Emperor was waiting for them: Two Lords came to them in the anti-chamber, to ſhew them in. They found the Emperor not upon a throne, but ſtanding near a window, in familiar converſation with his courtiers, his hand reſting upon the ſhoulder of the Biſhop Hetton, who had been ſome time before on an embaſſy to Conſtantinople, where he had been treated with a great deal of contempt; and whom the Emperor affected for this reaſon, to diſtinguiſh in the preſence of the ambaſſadors. The Prince was richly attired with gold and pearls; he had at his ſide the three Princes, his ſons, likewiſe very ſuperbly dreſſed, and a great number of Dukes, and other Lords, who did not forget to appear in their richeſt dreſſes on ſuch a ceremoney.

mony. There were alſo a great number of Biſhops. The Princeſſes, his daughters, apparelled ſuitably to their rank, made, with their ſuite, another court in the ſame room. The ambaſſadors, in approaching the Emperor, proſtrated themſelves in a tremor at his feet: he raiſed them up with a great deal of kindneſs, and having perceived from their countenances and manner, that the preſence of the Biſhop Hetton, and the kindneſs he diſcovered for him, gave them a ſenſible uneaſineſs, he removed their fears by telling them, that he would forget the manner in which the Biſhop had been treated at Conſtantinople, and that the Biſhop would forget it too. The ambaſſadors had afterwards many private audiences of the Emperor, and a peace was concluded between the two empires.

It is only the former part of this ſtory, that concerns my preſent ſubject; I have ventured, however, to give the whole of it to the reader, with a wiſh to relieve the dryneſs of this detail, by a pleaſing digreſſion.

In the diſtribution of the great offices of the court of Charlemagne, the Chamberlain, we ſee, holds the firſt rank; the Maſter of the Royal Table the ſecond; the Conté du

Palais

Palais the third; and the Conſtable the fourth. The buſineſs of Chamberlain was at that time, I apprehend, ſomewhat like that of a modern High Treaſurer, with this difference, that it was his duty to wait upon the Prince in public on certain ceremonious occaſions, as when the Prince was crowned, or appeared with his crown on, at the celebration of the great feſtivals, and other ſolemnities. He ſeems likewiſe to have had a certain juriſdiction in the houſhold, with reſpect to the payment and expences of the ſame. The Second great officer called *Maître de la table du Roi*, in Latin, *Magiſter Menſæ Regiæ*, is explained by Father Daniel, who tells us that he was the ſame perſon, who was afterwards called *le Maitre d'Hotel*. It is well known, that the Princes of thoſe times had very numerous retinues, who were all fed within the palace; whither were brought proviſions of all kinds, from all parts, in prodigious quantities. The King frequently ate in public. The providing for the royal table was the province of a principal miniſter of ſtate. In ſubſequent times, the Dapifer ſignified the ſame thing as Seneſchal, and was the King's firſt and general miniſter. In this arrangement, the Conſtable appears only in the loweſt place. Some ages after Charlemagne, he roſe to be the firſt great officer of the crown.

The

The Conté du Palais was an officer, as old as the eſtabliſhment of the Francs in Gaul. The charters and hiſtories of that kingdom furniſh us with exact liſts of their names from the earlieſt times down to the period, and beyond it, in which the Seneſchals had chief authority in France. Which ſufficiently proves, that neither the Mayor of the Palace under the Firſt Race, nor the Seneſchals under the Third, could be one and the ſame officer, as the Conté du Palais, as ſome writers have aſſerted: Du Cange. Selden.

With this Conté du Palais the Kings of France of the Firſt Line frequently ſat in judgment; but the King was not to be diſturbed with judicial proceedings except on particular occaſions, and at the inſtance of the Conté; who was to determine, whether the cauſe was of that magnitude, that it ought to be brought before the King: and ſometimes the King and Prelates and Nobles ſat, but the chief authority delegate and judiciary was in the Conté du Palais: and before him, as Chief Juſtice were all ſuits determined, crimes examined, the crown revenue accompted; and every thing done, which to ſo great a juriſdiction was competent. Neither was there always only one in this office, but ſometimes more.

The extenſive authority of the Count of the Palace made many of the French writers ſuppoſe him to be the ſame, as the Mayor of the Palace. The learned Selden has taken notice of this miſtake. " They much err " (ſays he) who confound the Count of the " Palace with the Maire du Maiſon or Ma- " jor-domus. This one authority, both an- " cient and beyond exception, diſproves their " conjecture. Childebert the Firſt ſent into " Poitiers. *Florentianum Majorem domus re-* " *riæ & Ranulphum, Palatii ſui comitem;* " *ut ſcilicet populus cenſum, quem tempore* " *patris reddiderat, facta ratione innovata* " *re, reddere deberet.* You ſee they are ex- " preſsly divided by one, that lived in that " age. And indeed the Maire du Maiſon " was of greater power, eſpecially after the " time of * Clothaire III, and ruled all as " King, the King himſelf being ſo rather " in name only, than ſubſtance; but the " Conté du Palais's power was chiefly judi- " cial. Neither are they to be admitted, " which ſuppoſe the Seneſchal or Grand " Maſter to have ſucceeded into the Count's " place. Both thoſe names have been in " lieu of the Maire; and an old author of " France joins the words Majoratus and Se- " neſchalcia as ſynonimies. The nature of " which office with enough certainty the " ſame author deſcribes." So far Mr. Selden.

Selden's Titles of Honour.

Greg. Turonenſ.

* That is about the Year 665.

The

The author here alluded to is Hugo de Cleriis, whoſe piece on the ſubject in queſtion, I have been ſo happy, as to diſcover, and mean to give it the reader in the courſe of this diſſertation.

The Preſident Henault ſays, that the Count of the Palace ſupplied the place of the Mayor under the Second Race. If the Preſident means, that he ſucceeded to all his authority and employment, he is miſtaken; for the Count of the Palace was never ſo great a perſon, as the Mayor, or his counterpart, the Seneſchal of France. Both which intrenched ſo much on all the other great officers, as to render them little better, than ſubſtitutes to him: tho' under the Second Race, and when there was neither Mayor, nor Seneſchal, the Count of the Palace, we may ſuppoſe, appeared in his greateſt luſtre.

Offices of ſtate being appointments of caprice or convenience, are liable to perpetual change, according to the different temper and ſituation of Kings. Beſides, time of itſelf makes great alterations in all human ſyſtems. When the poſterity of Charlemagne were excluded from Italy and Germany; and potent families had eſtabliſhed themſelves and their children in the great provinces of France, (where the King had very little authority) the important ſtately office of the Conte du

Palais muſt have dwindled into an inſignificant department, in compariſon to what it had been in preceding times. The exorbitant power of the Counts of Paris and Dukes of France, which prevailed towards the end of the Charlovingian race, could not but greatly diminiſh the conſequence of the Conte du Palais. The creation of the Seneſchal too, which took place a little before the reign of Capet, muſt have leſſened the conſequence of the Count du Palais, as it did that of the other great officers, whom we mentioned as perſons of the firſt conſequence in the court of France under Charlemagne.

Du Cange. To the Seneſchal was committed the ſupreme adminiſtration of juſtice and the management of the royal revenue. His ſignature was the firſt among the witneſſes of the royal charters; and it ſeems to have been indiſpenſable towards giving them a legal validity; for afterwards, when theſe charters appeared without the Seneſchal's name, becauſe there was then no Seneſchal, the omiſſion was explained by inſerting in the charters themſelves that there was then no Seneſchal. He was likewiſe the King's grand Maître d'Hotel, regulated the affairs of the court, and performed certain offices at the King's table at great ſolemnities; at which he was wont to order the Chamberlain; who,

we

we may remember, was the firſt officer of the court of Charlemagne, to bring a napkin, ewer and baſon to the King, for the latter to waſh his hands.

It was, I preſume, on account of his authority in the houſhold and his various duties about the King's table, that he acquired the name of *Dapifer*, which the beſt writers agree to be ſynonymous with Seneſchal. He was likewiſe the Commander in chief over the armies of France; being in that department, what the Conſtables and Mareſchals were in after times. If the King was with the army in perſon, the Seneſchal bore the royal ſtandard; he went in the front of the army during the King's progreſs, and in the rear in his retreat.

The firſt Seneſchal of France was Geoffrey the firſt, Count of Anjou, ſurnamed Griſegonella, or Grey Coat, from his habit, which was a kind of caſſock, called gonelle, of a grey color. He was advanced to this honor in the reign of Lothaire, the laſt but one of the poſterity of Charles the Great, that were Kings of France. From the time of this Geoffrey, who died the ſecond day of July A. D. 987; to the year 1191, the Seneſchals of France were the firſt officers of ſtate, and exerciſed a kind of general and

General Hiſt. de Maiſon de France.

preheminent authority, ſomewhat like that of the Mayors of the Palace, in the time of the Merovingians.

We do not know what particular functions were attach'd to the Seneſchalcie of France at its inſtitution. But if its rank and prerogatives had not been very great, ſo high a perſon as a Count of Anjou, who had a court of his own, and was a Prince in his county, would have conſider'd the ſtation, as beneath him. It was in fact, the great office of Mayor of the Palace revived under the name of Seneſchal; with happier auſpices indeed with reſpect to the Kings of France: for the Seneſchals never invaded their ſovereignty, or rendered their perſons inſignificant, like the Mayors of the Palace under the Firſt Race. On the contrary, the Seneſchals ſeem to have been very able and uſeful Miniſters to the reſpective Kings, whom they ſerved.

Francoiſe Milice & Henault.

After Geoffrey I. Count of Anjou, many perſons were Seneſchals, who do not appear to have been at all related either to Geoffrey, or to each other. Father Daniel indeed thinks, that Foulques the IIId, called Nerra, or Noir, the Black, and ſon of Geoffrey I. might be Seneſchal; but from the moſt correct liſts of Seneſchals, it does not appear, that Foulques was ever poſſeſſed of that appointment:

Du Cange.

pointment: which Daniel was willing to think, he might have filled, in order to account for the claim ſet up afterwards by his family; who pretended that the office was hereditary. After various perſons had filled this poſt, it was conferred on Anſelme de Garlande, A. D. 1110, and in the time of Lewis le Gros. Anſelme was Prime Miniſter to that Monarch, and conducted his affairs with ability and ſucceſs. Mezeray calls him the Great Seneſchal of France. While he enjoyed this great appointment, it was claimed by Foulques V. Count of Anjou, as appurtenant to his Earldom. This produced a negociation between the King of France and Count Foulques, concerning the latter's title to the Seneſchalcie. A very curious memoir of which has been preſerved, and is printed in Daniel's Milice Françoiſe, with that Father's comment upon the ſame. I ſhall tranſlate the whole to elucidate the preſent ſubject. What reference it bears to our hereditary Seneſchal or Steward of England, the reader will diſcover in the Sequel.

Of the SENESCHALCIE and MAJORALTY of FRANCE, from Father *Daniel*'s Milice Françoiſe.

WE have an ancient piece, which merits a place here; becauſe it is hiſtorical; becauſe it contains diſtinctly the prerogatives of the charge of Seneſchal, and gives room for a critique upon this ſubject. It is a ſort of verbal proceſs made by a Lord, or Knight of the county of Anjou, named Hugh de Cleers, or Hugo de Cleriis. He was ſent by Foulques V, Count of Anjou, afterwards King of Jeruſalem, to negociate between the Count, and King Lewis le Gros, on the ſubject of the dignity of Seneſchal: which the Count of Anjou pretended to be hereditary in his family, and which Lewis had taken from him. On this occaſion the Count of Anjou refuſed to do his ſervice in the army of the King againſt Henry I. King of England; until he ſhould be reſtored to his right. The Count of Anjou before he let Hugh de Cleeres go, ſhewed him an Act, by which he pretended to prove, that the dignity of Seneſchal had been granted by King Robert, the ſon of Hugh Capet, to Geoffrey Count of Anjou, ſurnamed Griſegonella: This verbal proceſs, which

which contains the Act, of which I am going to ſpeak, and the hiſtory of the negociation of H. de Cleers, has been put into Latin by Father Sirmond, at the end of his notes upon the works of Geoffrey de Vendoſme. He had taken it from an ancient manuſcript, which he found in the Abbey of St. Aubin d'Angers. It has ſince been printed in the Fourth Volume of the Collection of Hiſtorians of the Hiſtory of France, by M. du Cheſne, and afterwards again by M. Baluce, in the Fourth Volume of his Melanges. This manuſcript had been ſeen a long time before theſe learned men, (of whom I have been ſpeaking) by the Preſident Fauchet; who has given a French tranſlation of the ſecond part in his book of the dignities and magiſtrates of France. I ſhall make a new tranſlation from the Latin.

The Commentary of Hugh de Cleers, Knight of Anjou, upon the dignity of Mayor and Seneſchal of France, heretofore hereditary in the houſe of the Counts of Anjou.

He immediately puts the writings of Foulques, called le Jeroſolymitain, interred in the church of St. Sepulchre de Loches, touching the gifts made to his predeceſſors by the Kings of France. That which follows is the contents of the writing of Count Foulques.

"When

" When God would raiſe Robert the ſon
* Hugh Capet. " of the * Duke to the dignity of King, Geof-
" fry Griſegonella did ſevice to Robert his
" Lord with 3000 ſoldiers. Then Otho
" King of the Allemans came with his
" troops, compoſed of Saxons and Danes to
" beſiege Montmorenci, and gave many aſ-
" ſaults to Paris, from whence he was re-
" pulſed with ſhame. On this occaſion
" King Robert and his Father gave to the
" ſaid Count Geoffrey Griſegonella, the com-
" mand of the avant-guard of their army,
" and made him their Counſellor and the
" General of their troops, to purſue the
" army of the Allemans. King Robert then
" purſued the Alleman King even to the
" river Aiſne, being preceded by Geof. Gri-
" ſegonella."

" Count Geof. expert in war, and accu-
" ſtom'd to victory, made ſo great a carnage
" of the enemy at the paſſage of the river,
" before the King's arrival, that it might
" have been taken for a lake and not a
" river."

" The Allemans being defeated, King
" Robert convened a general aſſembly, and
" by the advice of his Father, of the Bi-
" ſhops, of the Counts, and Barons, gave to
" Geoffrey Griſegonella all that, which the
" King Lothaire had poſſeſſed in the Bi-
ſhopricks

" ſhopricks of Anjou and du Maine. But " if he the Count of Anjou and his ſuc- " ceſſors could acquire any other poſſeſſions, " he affranchiſed them to him, to enjoy " them in the manner he could enjoy them " himſelf."

" The malice of the Count de Troyes, " could not bare to ſee the proſperity of " King Robert: but this Prince to pu- " niſh his perfidy, aſſembled a numerous " army: he beſieged Melun; and after ha- " ving been a long time before the place, " ſeeing he could not advance, he called " Geof. Griſegonella with his Anjevins; who " obeyed him immediately. Geof. being " ready to arrive at the camp, ſent his " conſtables before to ſee what quarter they " had aſſigned to him. Theſe being re- " turned to their maſter, told him, that " the army of the King was ſo numerous, " that they could not make for him freſh " quarters; for the ſaid town was ſituated " in the iſle of the Seine, and ſurrounded " with a ſtrong wall built of chalk and " ſand."

" The Anjevins ſeeing, that they could " not have their place in the camp, take " their arms, croſs the Seine, paſs thro' the " middle of the army, give an aſſault to the " town and force it; inſomuch that what

" the

" the army could not do in three months,
" they did in half a day. The French a-
" ſtoniſhed at this ſurprizing valour, rung
" the Count's praiſe in every place. The
" King not being able to recompence his
" great merit in a ſuitable manner; and
" ſeeing the eſteem, which he had acquired
" from all kinds of people for his proweſs
" and wiſdom, conferred on him and his
" heirs the Mayoralty and Seneſchalcie of
" France, to the great ſatisfaction, and with
" the loud applauſe of his whole king-
" dom. Count Foulques ſpoke thus to Teſ-
" cilin his Chaplain.—Hear, Prieſt, the no-
" table ſervices, which Geoffrey Griſegonella
" has performed to King Robert his Lord.
" David, Count du Maine, and Geoffrey Count
" de Corbiel, diſdained to receive their fiefs
" of the ſaid King; declaring, that they
" would not ſubmit to this * Burgundian
" family. But the King provoked with their
" inſolence, and foreſeeing a great diminu-
" tion of his dominions from their refuſal,
" conſulted about the affair with Count
" Geoffrey Griſegonella, and the Lords of
" his realm; and at the time agreed on,
" went to attack the fortreſs of Mortaign.
" When Geoffrey had heard, that the King
" lay before the place, he decamped from
" near Vendoſme, gave an aſſault to the
" fortreſs, being ſupported by the uſual va-
" lour of his troops, and took Count de
" Cor-

* That of Hugh Capet.

" Corbiel in the place; which he put into " the King's hands along with the Count. " As to David, Count du Maine, he re- " fuſed to come, and confer with the King; " and had the aſſurance to ſay, that the " King would take care, how he approached " his County du Maine. Upon which the " King, reſenting his preſumption, gave the " County to Geoffrey Griſegonella, to be " held by him and his Succeſſors.

This relation finiſhes with theſe words: — *To this place is the writing of Foulques le Jeroſolymitain:* after follows the atteſtation of the Anjevin Chevalier Hugh de Cleers, in theſe words: — *All ye, who ſhall read this, Know, that I Hugh de Cleers have ſeen in the church of St. Sepulcre de Loches, the writings of Count Foulques le Jeroſolymitain, touching the Majeralty and Seneſchalcie of France, which had been conferred on him and his predeceſſors by King Robert.*

Then follows the hiſtory of the negociation of this Knight with King Lewis le Gros; to whom he had been ſent by the ſame Count Foulques on the ſubject of the dignity of Seneſchal; which the Count pretended to be hereditary in his houſe. It is here that we ſee a detail of the prerogatives of this charge; concerning which the Anjevin Knight recounts as follows:

" Between

" Between King Lewis the Sixth, called " the Fat, Son of King Philip, firſt of the " name, and the Count Foulques, who was " afterwards King of Jeruſalem, there has " been a miſunderſtanding: for Count Foul- " ques refuſed to ſerve King Louis, be- " cauſe this Prince had given the Mayo- " ralty and Seneſchalcie of France to An- " ſelm de Garlande, and afterwards to Wil- " liam de Garlande; of whom the Count " Foulques could not have his reliefs and his " homages. Now it happened, that King " Lewis had a great war with King Henry, " ſon of William the Conqueror of Eng- " land: on account of this war King Lewis " ſummoned the Count to do him ſervice. " The Count anſwered, that he did not owe " it him, becauſe he had taken from him " the Mayoralty and Seneſchalcie of France, " which was the heritage of his anceſtors. " Then King Lewis let Foulques know by " Amauri de Montfort, Uncle of the Count, " and by Geof. Abbe de Vendoſme, and by " Radulfe de Baugeney, that by the coun- " cil of theſe ſame perſons he was ready to " ſatisfy him upon the article of the dignity " of Seneſchal, and upon other important " points.

" Upon this Count Foulques held a coun- " cil with the Lords of his Court, who " were Robert de Blo, Salmace then Echan-

ſon,

" ſon, Hugh de Cleers, Gaudin de Vege,
" and many others. He replied to King
" Louis, that if he would execute that which
" he demanded, he would willingly perform
" that which he required of him, and would
" give him all kinds of aſſiſtance. When
" this council was held, there was at the
" court of Anjou a great many wiſe men
" and good knights. Amauri de Montford
" and the others, who were come on the
" part of the King, propoſed to the Count
" Foulques to diſpatch as ſoon as poſſible
" to the Prince, and before the return of
" his envoys, one, who was known to him,
" to carry to him his anſwer and to thank
" him. The Miniſters of the Count ap-
" proved very much the advice of Amauri;
" and the Counteſs Aremburge having
" known it, was of opinion, that they ſhould
" ſend to the court of France Hugh de
" Cleers alone.

" I then Hugh de Cleers went to Paris,
" from whence I went to Vignori, where I
" found the King and the Count de Beau-
" mont: having then found him at Vig-
" nori, between Pontoiſe and Beaumont and
" Chaumont, I ſpoke to the Lord King. I
" ſaluted him immediately on the part of the
" Count, and thanked him for that which
" he had deſired. And then I told him,
" that Count Foulques would offer him

his

" his ſervice from that moment, but pro-
" poſed a conference with him firſt of all;
" if it was agreeable. The King being
" highly ſatisfied, anſwered, that he wiſhed
" above all things to have a conference with
" the Count. They agreed on the time and
" place of conference, the latter to be be-
" tween Marché-Noir and Birci in Beauce.
" In the mean time, the King let the Count
" know, that he ſhould be glad, if he would
" bring with him to the conference Geoffrey
" his ſon (who was afterwards interred in
" the church of St. Julian de Mans); for
" he very much wiſhed to ſee him. The day
" of interview drawing nigh, King Lewis
" and Count Foulques ſat out for the place,
" which had been agreed upon by their coun-
" cil: where were recognized the right of
" Count Foulques, touching the Majoralty
" and Seneſchalcie of France. William de
" Garlande, then Seneſchal of France, ac-
" knowledged in the conference, that he
" owed homage to the Count for the Se-
" neſchalcie of France; and was afterwards
" ſubject to his orders. After William, Ste-
" phen de Garlande was Seneſchal, and did ho-
" mage to the Count. After Stephen, Ralph
" Count de Perron, did homage and ſervice
" to him."

" This

" This is the Homage and Service, which " he, who ſhall be Seneſchal, ſhall perform " to the Count."

" If the Count goes to the court of the " Lord King, the Seneſchal ſhall command " the Mareſchal of the Lord King to pre- " pare lodgings for the Count. When the " Count ſhall arrive, the Seneſchal ſhall go " before him to his lodgings. Then the " Seneſchal ſhall go and tell the King, that " the Count is arrived."

" If the Count will go and ſee the King, " the Seneſchal ſhall conduct him to, and " from court. If the Count ſhall come " to the * Coronoments of the King, it " ſhall be the Seneſchal's buſineſs to pre- " pare the lodgings, appropriate and belong- " ing to the Count."

" When the King ſhall be at table on the " day of his coronation, the Seneſchal ſhall " provide a very handſome bench, covered " with ſtuff, or tapeſtry, and the Count ſhall " be ſeated 'till ſuch time, as the ſervices are " brought to table. When the firſt diſh appears, " the Count unbuttoning himſelf, ſhall ariſe

* Great court days, when the King wore his Crown.

" from his ſeat, receive the diſh from the " hand of the Seneſchal, place it before the " King and Queen, and order the Seneſchal " to ſerve the other tables. The Count " ſhall be ſeated a little behind, in waiting " for the other ſervices, and ſhall do with " the other diſhes, as he did with the firſt.

" The Ceremony of dinner being finiſhed, " the Count ſhall mount his horſe, and re- " turn to his lodgings accompanied by the " Seneſchal. The horſe, which the Count " ſhall have with him, when he comes, " ſhall be a Deſtrer. It ſhall be given to " the King's Cook, as a feudal Relief. The " mantle, which the Count had on, ſhall " be given to the Dupenſier, and this after " dinner. Then the Panneter ſhall ſend the " Count two loaves, and one ſeptier of wine : " for this is the livery of the Seneſchal that " day. The Seneſchal of the Count ſhall " receive theſe liveries, and give them to the " lepers."

" Moreover, when the Count ſhall go to the " army of the King, the Seneſchal of France " ſhall provide a tent big enough to hold " one hundred men, and ſhall furniſh an " Horſe de Somme * [Sommarium]. He ſhall

* I ſuppoſe this is what uſed to be called in England a Sumter

" ſhall furniſh likewiſe the cords, and the " pegs, and a man on horſeback, and two " footmen, to conduct the Horſe de Somme. " The Count, if he thinks fit, ſhall reſtore " the tent to the Seneſchal, but if he does " not reſtore it, he ſhall not be diſcharged " from furniſhing one another time.

" When the Count ſhall be in the army " of the King, he ſhall be in the van- " garde during the King's progreſs, and in " the rer-garde in his regreſs. And what- " ever be the ſucceſs, no blame ſhall fall " upon him from the King.

" I Hugh de Cleers have ſeen theſe ſer- " vices rendered to Count Foulques, King " of Jeruſalem, in the armies of Auvergne, " and in a Coronoment at Bourges; and I " have ſeen them rendered to Count Geoffrey, " (who is interred at Mans) at a Corono- " ment at Bourges, and at another at Or- " leans."

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ter Horſe, which carried the money; and ſometimes perhaps the baggage.

" As to the reſt, the Count is called " * Maire in France, becauſe he commands " the van-garde and the rear-garde in the " armies of the King.

" In like manner, when he ſhall be in " France, that which his court has deter- " mined, ſhall be firm, and valid: if any " diſpute ſhall ariſe on account of any " Judgment given in France, the King ſhall " ordain, that the Count do come and rec- " tify ſuch Judgment: if the Count does not

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* " Is called Maire in France," &c. This was alſo the Seneſchals privilege in the courts of the German Emperors, A. D. 1258, as appears from the following paſſage of a charter of Alphonſus the Emperor, in favour of Frederic Duke of Lorain. — Et de infraſcriptis dignitatibus & feudis primum vexillum damus tibi pro ducatu in feudum, in quo, & per quod, debes eſſe ſummus Seneſcallus in aula noſtra citra Rhenum, & debes nolis ſervire in annalibus feſtis de primo ferculo eques. Et ſi contigerit ire ad parlamentum cum armis contra regem Franciæ, debes facere nobis ante-cuſtodiam in eundo, & retrocuſtodiam in redeundo. *Du Cange. Gloſſ. apud Vocab. Seneſchallus.*

The ſecular electors in Germany uſed at particular times to ſerve the Emperor at table on horſeback. That in the twelfth century the Seneſchal of France and the Mayoralty of the King's Palace were conſidered as the ſame office, is evident from the following paſſage. — Hanc Seneſchalciam, vel ut antiquitus dicebatur, Majoratum domus regiæ, Robertus Rex Francorum dedit Gaufrido Griſegonella Comiti Andegavorum. *Chron. Norm. ap. Du Cheſne. Script. Norm. p.* 1003. *ad ann.* 1108.

judge

" judge it proper to ſend any perſon on the " ſubject, the King ſhall cauſe the writings " of the two parties to be carried to him; " and what the Count's Court ſhall decree, " ſhall be firm and good. As to myſelf, I " Hugh de Cleers have often ſeen Judgments " made in France corrected in Anjou by the " Count's Court. There was an inſtance of " it with reſpect to a duel near St. Denis, " and the ſame has been done in other Pleas " and Judgments. I have ſeen it, and many " others have ſeen the ſame, as well as my- " ſelf."

Theſe two Documents, that is to ſay, the writing of Count Foulques, and the Hiſtory of the Negociation of Hugh de Cleers, will furniſh us with much reflection, relative to the office of Grand Seneſchal. I will lay before the reader what occurs to me; and will begin with the negociation of Hugh de Cleers.

We ſee, in the firſt place, that the dignity of Grand Seneſchal gave him, who poſſeſſed it, very great prerogatives; ſuch as were afterwards annexed to the dignities of the Conſtable, and the Grand Maitre d'Hotel: That is to ſay, that it was a charge military, as well as the moſt conſiderable one in the King's houſhold.

Secondly, That beſides the Grand Seneſchal of France there was another officer, who bore the title of Seneſchal of France, but was obliged to do homage for his office to the Grand Seneſchal, and to render him certain duties, which are noted in the negociation of the Chevalier de Cleers.

Thirdly, That Lewis the Fat had forbidden William de Garlande to pay theſe homages, and conſequently, that this Lord before the treaty we are ſpeaking of, was himſelf the Grand Seneſchal.

Fourthly, That by the treaty of Lewis le Gros with the Count of Anjou, theſe homages were eſtabliſhed, and in conſequence of it, William de Garlande ceaſed to be Grand Seneſchal of France.

Fifthly, The charge of Seneſchal of France repreſented perfectly well, that of the Premier Maitre d'Hotel: for, the Premier Maitre d'Hotel, is at this day, with reſpect to the King's houſhold, inferior to the Grand Maitre d'Hotel; much in the ſame manner as the Seneſchal of France was inferior to the Grand Seneſchal.

Sixthly, That by this treaty, the pretenſions of the Counts of Anjou, touching the dig-

dignity of Grand Seneſchal, as hereditary in their houſe, was confirmed to them.

But the reflections, I have to make, on the writings of Foulques Count of Anjou, are not of leſs importance.

There is no doubt about the writing of Count Foulques; upon which Hugh de Cleers ſupported the pretenſions of the Count of Anjou. But the caſe is very different as to the truth of the contents of this piece; of which the falſhoods and anacroniſms are very viſible. As to the Anacroniſms, let us only conſider the death of Geoffrey Griſegonella, whom King Robert, according to this relation, made Grand Hereditary Seneſchal of France. This death happened in July, A. D. 987, at the ſiege of Marſon, upon the confines of Touraine and Maine, according to our hiſtorians, as well as thoſe of Anjou. This being allowed, that which is declared in the piece, is utterly falſe, viz. That in the time of Robert, Son of Hugh Capet, Geoffrey Griſegonella ſerved him with 3000 men. For Robert was not raiſed to the throne of France; that is to ſay, was not aſſociated to the Dignity Royal by Hugh Capet his Father before the firſt of January 988, or according to ſome, on the 30th of December 987. This is plain from our hiſtories.

Robert was not then King in the time of Geoffrey Griſegonella, nor the Sovereign of this Lord, who died in the month of July 987.

Secondly, It is remarked in this relation, that Geoffrey Griſegonella commanded the van-guarde of the army of King Robert againſt Otho, King of the Allemans, who had given many aſſaults to Paris; and that he defeated this Prince at the Paſſage of the river Aiſne. Now it is certain from all our hiſtorians, that Otho entered France with an army of 60,000 men, and that he was charged in his retreat not under the reign of Robert, but Lothaire, the laſt King but one of the Second Race, A. D. 977 or 978, that is eleven or twelve years before Robert was King.

Thirdly, It is ſaid that Geoffrey took Melun by aſſault; and That, in half a day, after King Robert had been encamped before the place without effect for three months. Now according to all hiſtorians, the ſiege of Melun was not before the year 999, 1000 or 1001. How then could Geoffrey carry that place thirty years after he was dead? Other reflections might be made upon this piece; but this is enough to ſhew, that he who fabricated it had no regard to truth, either through ignorance or

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knavery. However, it had its effect, and Lewis le Gros acknowledged the dignity of Seneſchal to be hereditary in the houſe of the Counts of Anjou. And this I account for in the following manner,

It is highly probable, that Geoffrey Griſegonella was made Grand Seneſchal by Lothaire, or by Lewis V. the laſt King of the Second Race: that Foulques his ſon, ſurnamed Noir, ſucceeded him in that dignity, as in a property which belonged to him; according to the cuſtom of the great vaſſals of that time, who appropriated that which their relations had poſſeſſed, whether it was lands of the King's demeſne or offices: that Hugh Capet, and Robert his ſon, left him in poſſeſſion of this office, and that Henry I. and Philip I. gratified his ſucceſſors with it to the time of Foulques V. who was afterwards King of Jeruſalem: that this Count, who had the preſent diſpute with the King, had it likewiſe, and that Lewis le Gros took it from him to give it to William de Garlande: for, the complaint, which he made by the Chevalier Hugh de Cleers was, that the King had taken from him his heritage: *Comes vero ei reſpondit, quod nullo modo ei ſervire debebat, eum namque de Majoratu & Seneſchalcia Franciæ exhereditabat:* that Louis le Gros having occaſion for him in his war with

Henry

Henry I. King of England, conſented that the thing ſhould be examined, with a promiſe of reſtoring him to the charge, if it had been conferred on Geoffrey Griſegonella, for himſelf and ſucceſſors; that Count Foulques, or his Miniſters, forged and fabricated this tale; that the court of France's ignorance in hiſtory made it received, as a true piece: or elſe (which appears to me the moſt likely) that Louis le Gros having great need of the Count in his party, received as a good title, that which was in fact a very bad one; and granted that which he could not refuſe without expoſing his territories to great danger: that he conſented, that the Seneſchals of France, of whom we have a ſucceſſion from the time of Lewis le Gros, ſhould make to this Count, and his ſucceſſors, homage of their charge, as to the Great Seneſchal; and that he ſhould do on divers occaſions the functions of his dignity, as well in what it had in it reſembling the charge of the grand Maitre d'Hotel, as in what concerned his poſt in the army; juſt as Hugh de Cleers atteſts, at the end of the hiſtory of his negociations with Lewis le Gros.

We cannot doubt, but from this time the Counts of Anjou poſſeſſed this charge, as here-

hereditary; for under the reign of Lewis le Jeune in the treaty of peace, which he made with Henry II. King of England, and whereof Louis preſcribed the conditions, the charge of Grand Seneſchal of France was rendered to Henry Count of Anjou, ſon of the King of England, as a charge attached to the Counts of Anjou: and this young Prince did the functions thereof on the day of the purification, in ſerving the King of France at table. Moreover, Du Tillet ſpeaks of an act, by which Philip the Fair acknowledgedat Orleans in a public audience, that the guardianſhip of the Abbey of St. Julian of Tours belonged to the King of England, as Dapifer, or Seneſcha of France.

This act embarraſſed Du Tillet, becauſe, as he ſays, between King Robert and Philip the Fair, there were many Great Maſters of France, beſides the Counts of Anjou. But he would have been delivered from his embarras, if he had ſeen the negociation of Hugh de Cleers; where he would have found, that the Maitres d'Hotel, or the Seneſchals of France, named in our hiſtorians, were neither the Grand Seneſchals nor the Grand Maitres, and that thoſe, who are named the Seneſchals of France in our hiſtories, were below the Great Seneſchal, and

that

that they did him homage for their charge.

As to the reſt, it is without doubt, that when the county of Anjou came by ſucceſſion to the Kings of England, the Princes of that nation did not perform the duties of Grand Seneſchals in the armies of France, becauſe the two nations were often at war with each other, and that they had no other than the honorary right in that charge, and the functions of *Grand Maitre*, when they had a mind to come and do them with the King's pleaſure in the ſolemn courts; as Prince Henry did in the time of Lews le Jeune.

The charge of Seneſchal of France under the name of Seneſchal, and under the name of Dapifer, and with the right of commanding the armies, ceaſed to be filled in France after the death of Theobald, Count of Blois, who periſhed at the ſiege of Acon, in 1192. This is proved by the charts of our Kings, where the names of the great officers were ſubſcribed: for ſince that time, we no longer ſee the ſubſcription of Dapifer, and it is even expreſsly remarked, that there was then no ſuch perſon, by the words *Dapifero nullo*. This form is found in the charts even of the year 1262, under the reign of St. Lewis: and one very ſtrong reaſon for

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inſerting the words *Dapifero nullo* is, that Philip Auguſtus after the year 1191, was almoſt always at war with the King of England, whom he would no longer acknowledge to be Grand Seneſchal of France: but yet he would not altogether ſuppreſs the office, for fear he ſhould be obliged to re-eſtabliſh it by ſome treaty of peace, as had happened to his father Lewis le Jeune.

The ſubſcription of *Dapifero nullo* did not then mark the ſuppreſſion of the charge, but only the vacancy; as we ſee in one of our charts *vacante cancellariâ*, to ſignify that there was then no Chancellor. Thus I believe there was no ordinance for ſuppreſſing Seneſchalcie, but it ceaſed to exiſt by non-uſage. Our Kings left to the Conſtables the command of the armies, (which made one part of the office of the Grand Seneſchal, and of which they were in poſſeſſion from the time of Philip Auguſtus) and had the other exerciſed, which regarded the King's houſhold, by the *Maitre d'Hotel.* I believe it was St. Lewis who inſtituted the title of *Grand Maitre d'Hotel*; not taking away, however, from the Kings of England whatever rights they had in quality of Grand Seneſchals of France. Such, for inſtance, was that of the guardianſhip of the Abbey of St. Julian at Tours; about which there was a diſpute in the time of Philip the Fair.—The A. D. 1180.

French

French hiſtorians have confounded the *Seneſchals of France* with the *Grand Seneſchals*. The former did not bear the title of *Grand*. They differed from one another, as much as the *Grand Maitre d'Hotel* does from the *Premier Maitre d'Hotel* at this day.

Henry Count of Anjou, ſon of Henry II. King of England, is reckoned the laſt of the Grand Seneſchals of France. Theobald was immediately before him. Lewis le Jeune yielded by treaty the charge of Grand Seneſchal to Henry the King of England's eldeſt ſon. He had taken it away from him on account of the war, he had with England, and had given it to Theobald, Count de Blois. Arthur, Count of Anjou and Bretagne, being aſſaſſinated by King John, Philip Auguſtus declared war againſt John, took from him Anjou, and reunited it to the crown. The charge of Grand Seneſchal was no more annexed to the county of Anjou. But the Kings of England, tho' they were no longer Counts of Anjou, retained the title, at leaſt ſome rights belonging to the title of *Grand Maſters of France:* which was part of the charge of Grand Seneſchal. Theobald, Count de Blois, after the treaty with Henry the Second, King of England, was only Seneſchal of France."

HERE

HERE ends Father Daniel's diſcourſe on the Seneſchalcie of France.

There are ſome circumſtances relative to Henry the Second as Grand Seneſchal of France, mentioned by hiſtorians of credit, which the Father has taken no notice of; but they are eſſential to the purpoſe of this diſcourſe: as ſuch I ſhall lay them before the reader.

By the death of Conan le Gros, Duke of Bretagne, A. D. 1148, that Province was thrown into great troubles and diſorders. For this Prince having diſinherited Hoel on a ſuſpicion of baſtardy, and inſtituted his daughter Bertha his heir, Eudo, Earl of Penthievre, huſband of Bertha, laid claim to the ſucceſſion in right of his wife, the eldeſt daughter of Conan, whom he had married after the death of Alan, Earl of Richmond and of the Lower Bretagne, her firſt huſband. A conſiderable party aroſe in ſupport of Hoel; Theſe thought he was unjuſtly deprived of his inheritance, and put themſelves under his government. During the ſtruggle between Hoel and Eudo, Bertha died: which event immediately produced a freſh competition. Conan le Petit, her ſon, by the Earl of Richmond, laying claim to the Dutchy, and Eudo, his father in law, refuſing to reſign it. Much blood was ſhed in this

Lyttleton. Henault.

this quarrel. After various ſucceſſes, Eudo was taken priſoner by a perſon of Conan's party; but ſoon after, recovering his liberty, he went to Paris, and ſerved the King of France againſt the Earl of Maſcon, a rebellious vaſſal. The beſt part of the Dutchy had now ſubmitted to Conan: but Eudo thought his ſervices to the French King would induce the latter to ſupport his pretenſions to Bretagne. As to Hoel, he was ſoon abandoned by all his partizans, on account of his wanting either ſenſe or courage, and we hear no more of him: probably he died ſoon after, or retired to a convent. The King of England was too much concerned in the conſequences of this diſpute, to ſit an idle ſpectator of it. Being at this time upon good terms with Lewis le Jeune, with the aſſiſtance of Thomas a Becket, whoſe influence over that monarch was become very great, he obtained from him a commiſſion to go into Bretagne, and by virtue of the office of *Seneſchal of France*, which belonged to him as Earl of Anjou, judge and determine the difference between Conan, and Eudo, Earl of Penthievre, upon the right to that Dukedom. Conan by ſurrendering the Earldom of Nantes which King Henry required, and by complying with all his other demands, obtained a favourable ſentence, and was fixed in the Dukedom. "It "ſhould ſeem (ſays Lord Lyttleton) that the

"diſ-

" diſpute was cognizable by Henry, as Duke
" of Normandy, becauſe Bretagne was ac-
" knowledged to be a fief of that dutchy:
" but it would have been eaſy for Eudo to
" find a pretence of appealing from his court
" to that of the King of France, as ſu-
" preme Lord of both countries, if the
" commiſſion given to Henry, as Seneſchal
" of the Kingdom, to determine this affair in
" the name of the King, had not prevented
" all means of eluding the judgment, and
" made it definitive. Indeed it was wrong,
" while the claim of the Engliſh Monarch
" to the Earldom of Nantes, a province be-
" longing to Bretagne, and which Conan
" had in his poſſeſſion, was depending, that
" he ſhould be impowered to exerciſe ſuch
" a juriſdiction: and though his ſentence
" might be juſt, yet appearing to be pur-
" chaſed by the ceſſion of that Earldom, it
" had an air of injuſtice."

The noble hiſtorian's remark upon this tranſaction may be very juſt. I only inſert it here, as an inſtance of the power of the Grand Seneſchal in judicial matters, and to ſhew that he yet conſidered himſelf entitled to ſome of the chief functions, ſtipulated by Count Foulques the Fifth for his ſucceſſors, Counts of Anjou, and hereditary Seneſchals of France.

Father Daniel ſays, that the King of France took away the Seneſchalcie from our Henry the Second, becauſe he was at war with him. But this is not true, Lord Lyttleton will tell us another ſtory. In the year 1164, Lewis had married one of his daughters by Eleanor to his brother in law, the Earl of Blois, and preſently after inveſted him with the office of Seneſchal, without any regard to the right of the Earls of Anjou, to whom it belonged. " The taking " away an hereditary dignity from a family, " with which he was then at peace, and " giving it to another ſo nearly related to " himſelf, was a moſt violent act of arbi- " trary power."

Lyttleton.

This proceeding of the French King, together with the countenance and protection he had given to Becket, was very near occaſioning a war between the two monarchs. Hoſtilities were prevented by the Pope's mediation. In the conferences for an accommodation, Henry inſiſted on a reſtitution of the office of Seneſchal: which Lewis neither agreed to, nor abſolutely refuſed; but left to a future deciſion. About four years afterwards, the two Princes ſettled their differences. Among the terms of agreement, this was One — That the office of Great Seneſchal of the kingdom of France ſhould be yielded up by the Earl of Blois,

and

and reſtored to Prince Henry, in right of the Earldom of Anjou: This Earldom the King of England his father had lately given him.

It was upon this occaſion, that the young Prince went to Paris in the year 1160; and there on the feaſt of the purification, publickly ſerved the King of France at his table, as Grand Seneſchal of that kingdom.

Tho' the Kings of France kept the Seneſchalcie in their hands from the death of Arthur of Bretagne, and ſevered it from the Earldom of Anjou, yet the office of Seneſchal was revived on particular occaſions, when a conformity with ancient uſage was thought expedient. In this reſpect, there is a remarkable concurrence of Practice between England and France. [In both kingdoms it has been the cuſtoms for ſeveral centuries to create an High Steward for a term only, or to diſcharge the function in a ſingle inſtance by a ſpecial commiſſion.] Thus Charles the Dauphin, eldeſt ſon of King John, repreſented the Seneſchal of France at the conſecration of his father A. D. 1350, and was habited in a coat of cloth of gold. Anſelme.

As the great vaſſals of France were at, and for a long time after, the acceſſion of Hugh Capet,

Princes in their reſpective provinces, their courts were eſtabliſhed upon the footing of the King's. Accordingly, we find, that they had Seneſchals of both kinds: namely, one hereditary, the other, of their own appointment. The former we may ſuppoſe, were of the moſt eminent families, and probably paramount to the others, who might at firſt be no more than their deputies. Du Cange mentions the names of the families, who were hereditary Seneſchals in the ſeveral principalities of France. But neither he, nor any other writer, I have ſeen, has given us any account of their employments or authority: which therefore we may conclude, were ſubjects of ſuch obſcurity, that little or nothing could be ſaid concerning them. It will hardly however be doubted, but that at ſome time or other, they were officers of much the ſame general deſcription, as the Seneſchals of the court of France.

As to the other kind of Seneſchals, who were choſen by their reſpective Princes, they were in general no more, than their principal Miniſters, and on particular occaſions, and certain high matters, their immediate and conſequential Repreſentatives. By degrees, they became to be ſomething like our Grand Juſticiars. The Great Coutumier, or

Cuſto-

Cuſtomary Book of Normandy, written about the year 1229, as well as many other antient writings, treat of the functions and power of theſe Seneſchals. "In times paſt, "(ſays the Coutumier) there was wont to "travel throughout Normandy, a certain "Juſticiar, greater than thoſe before men-"tioned, who was called the Prince's Seneſ-"chal, or Steward."—After which follows a diſtinct account of the various offices and powers of this Seneſchal of Normandy. This officer many of our writers have repreſented, as a perſon inveſted with the ſame power, as the hereditary Seneſchals of England; whereas the two offices were very different; in the minute deſcription given of the Seneſchal of Normandy in the Coutumier juſt mentioned, there is not one word concerning thoſe branches of office, which were exerciſed by the Earls of Anjou and the hereditary Seneſchals of England.

The Dukes of Guienne in like manner had their Seneſchals much like thoſe deſcribed in the Coutumier. A ſtatute of our King Edward I. points out the duty of this Seneſchal.—He was to hold aſſizes at certain times of the year, at certain places, touching the King's property and demeſne; and touching the property and demeſnes of the Barons and great men of thoſe parts; he was Du Cange.

to viſit all other Seneſchalcies of the Dutchy perſonally; if poſſible, once at leaſt in every year, each of the Bailiwicks of Gaſcogne; taking with him one expert in the laws and verſed in the cuſtoms of the land, and capable of adviſing him in the management of buſineſs. This Seneſchal was to appoint under the ſeal of the dutchy Sub-Seneſchals, Judges, Hearers of Cauſes, Proctors, Advocates, &c. for whom he was to be reſponſible, and to whom he was to give fees and wages appointed in that behalf.

Theſe Seneſchals were much like our Juſticiars in England; they were choſen at the will of the Duke, and held their high offices during pleaſure, or at moſt for life.

From the preceding account of the French Seneſchals we ſee their antiquity, grandeur and extenſive employments: we ſee alſo how the office became hereditary in the Counts of Anjou, and how at length it became divided into two parts; namely, the Grand Seneſchal and the Seneſchal of France; of which one was ſupreme and hereditary, the other ſubordinate and temporary. One independent in ſome meaſure of the King, having only few functions, but thoſe very high and ſtately ones; the other, though for forms ſake, and to humour the houſe of Anjou, he was to be the homager of the

Grand

Grand Seneſchal, was of the King's proper appointment, and his moſt active Miniſter.

This is all I think neceſſary to ſay concerning the Seneſchals of France. By comparing it with the account I am now going to give of the Stewards or Seneſchals of England, the reader will ſee what reſemblance the Seneſchal of one Kingdom has to that of the other.

It is well known that the Duke of Normandy after he had eſtabliſhed himſelf in the throne of England, ſettled his houſhold upon the model of the court of France. Soon after he was fixed in the government of England, he rewarded his principal friends, who accompanied him hither, with munificent grants of lands and offices: with reſpect to the latter, he created the ſame, as were in France, and made many of the moſt ſplendid, hereditary; whereby he attached the great families to his perſon, and government, and gave magnificence to his court.

Among thoſe, whom he rewarded for their fidelity and zeal in his ſervice, was Sir Hugh de Grentemeiſnel, ſecond ſon of Robert of the ſame name, one of the chief nobles of Normandy: to him the Conqueror gave great territories and parcels of land Dugdale, Hearne. Knighton.

in divers parts of England, and particularly the Barony of Hinkley in Leiceſterſhire; to which was annexed the Stewardſhip of England, a dignity never heard of in this kingdom before. He alſo procured for him a very advantageous match with a great heireſs, named Adeliza or Alize. By this lady Sir Hugh had ſeveral ſons and daughters. Of the former Ivo was One, and at length his Heir. This Ivo was the father of another Sir Hugh de Grentemeiſnel.

This Sir Hugh had two daughters; the eldeſt of whom called Petronilla or Pernell, married Robert de Bellomont Earl of Leiceſter, the third of that name after the conqueſt, and ſurnamed Blanchmaines, or Whitehands: to this Robert the ſaid Pernell brought the moiety of her father's eſtates and honours; and withal, becauſe ſhe was the elder daughter, together with the honor of Hinkley, the Seneſchalcy of England; "which, (ſays my author) was not partible "as the other inheritances were."

This Hugh, I ſuppoſe had no ſon; for Robert Blanchmaines, Earl of Leiceſter, having married his daughter, had with her the whole honor of Hinkley, together with the Stewardſhip of England, by gift of the ſaid Hugh. Robert Blanch-

Blanchmains departed this life at Duras in Greece in his return from Jeruſalem A. D. 1191. Some ſay he was ſlain at the ſiege of Acon, having accompanied King Richard the Firſt to the Holy Land. He was ſucceeded by his ſon Robert, ſurnamed from his mother Fitz-Pernell, who dying without iſſue, A. D. 1204, and in the ſixth of King John, his whole inheritance was divided between his two ſiſters, his heirs: of which, Amicia the elder was married to Simon de Montfort, younger brother to Almaric Earl of Eureux in Normandy, and great grandchild to Almaric an illegetimate ſon of Robert King of France. Margaret the younger married Saier de Quinci made by King John, Earl of Wincheſter; unto whom ſhe brought half of her brother's honours and eſtates. By a partition made before King John, and his Barons, A. D. 1207, between Simon de Montford Earl of Leiceſter, and Saier de Quincy Earl of Wincheſter, of all the lands and honours, which had lately belonged to Robert Earl of Leiceſter, Simon and Saier had each a moiety of the ſame: but the Third Penny of the county of Leiceſter, and the Stewardſhip of England, were reſerved to Simon Earl of Leiceſter, the huſband of the elder ſiſter. But Simon did not long enjoy thoſe honours, being ſhortly after, both he and his children baniſhed the realm. At the ſame time his poſſeſſions were beſtowed on Randolph Earl

of

of Cheſter, to hold the ſame for Montford's uſe, excepting only the patronage of the Abbey of Preux near Leiceſter, and the Stewardſhip of England; which laſt the King retained in his own hands, as annexed to the crown by forfeiture. Montford was ſlain at the ſiege of Tholouſe, A. D. 1219, that is, in the third year of Henry III. He left two ſons, both men of great fame, Almaric Earl of Montford, Conſtable of France, who died A. D. 1242, and Simon the younger. Almaric lived abroad; but by his petition, bearing date in February, A. D. 1229, (14 Henry III.) and exhibited to the King by this Simon, craved, that he would vouchſafe to reſtore to Simon his Brother, all the lands and right, which he the ſaid Almaric had, and ought to have in England, and of which his father (as he alledged) died ſiezed; and by another petition, deſired that the Third Penny of the county of Leiceſter might be yielded to him. Theſe requeſts were complied with, and young Simon de Montfort was advanced to the Earldom of Leiceſter, and the Stewardſhip of England. Soon after, viz. about the year 1232, and 16 Hen. III. Almaric his brother, Earl of Montfort and Conſtable of France, made him a grant of all the Lands in England, which were ſometime belonging to Simon their father, and of whatſoever elſe could accrue to their father, of the inheritance of Amicia ſiſter to

Robert,

Robert, ſometime Earl of Leiceſter, with the Stewardſhip of England; to hold to him the ſaid Simon, and to the heirs of his body, by the wife he then had; but for lack of iſſue of his body, to return to Almaric and his heirs. And ſhortly after, in the preſence of the King at Weſtminſter, Almaric quit claimed to Simon his Brother, who then bore the title of Earl of Leiceſter, all his right to the honour of Leiceſter. About nine months after, Simon obtained the King's Siſter Alienor (widow of William Mareſchal the younger, Earl of Pembroke) in marriage.

The following affair makes it a matter of doubt, whether the Stewardſhip of the King, or of his houſhold was not held to be one and the ſame office, as the Stewardſhip of England, in the times of Henry III. and the three preceding Kings.

Simon Earl of Leiceſter and Roger Earl of Norfolk, had a long diſpute about the office of Steward of the King's houſhold; as we find from a cloſe roll of Henry the Third, reſpecting this diſpute. Upon what ground the Earl of Leiceſter challenged the office, we are not told; but Earl Roger maintained, that it had belonged * to his family of old time.

* This appears by two charters: Hen. II. granted to Hugh Bigot *Dapiferatum ſuum ita libere & quiete habendum, ſicut pater ejus*

time. It appears from records and hiſtorians, that his grandfather and father had been Stewards of the houſhold to Henry the Firſt, to Stephen, and to Henry II. and the ſame poſt had been given by Richard the Firſt to this Roger, to hold to him and his heirs, as freely as his grandfather and father had held the ſame. At laſt it was agreed, that Earl Roger ſhould be paid ten Knights Fees, in lieu of his right and title to the Steward-ſhip in queſtion. All this money was paid, except two Knights Fees and an half, which were not diſcharged at the time of Simon Montford's death. About two years after
A. D. 1221. which, and in the 5th of Henry III. while the Earldom of Leiceſter was in the cuſtody of Randulph Earl of Cheſter, and Montfort's children in baniſhment; a determination was made of this diſpute in the great Council then held at Oxford, and command given to Randulph Earl of Cheſter, to render to Roger Earl of Norfolk, what was then remaining of the ten Knights belonging to him.

But the remainder of the ſatisfaction ſtill

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ejus Rogerus melius & liberius tenuit tempore Regis Henrici avi mei. King Richard I. reſtored this office to Roger his ſon, in theſe words— *Sciatis etiam nos ei reddidiſſe Seneſchalciam ſuam, & heredibus ſuis ita libere, integre, & honorifice habendum, ſicut Rogerus Bygot avus ſuus, & comes Hugo pater ſuus habuerunt.*

continued

continued unpaid; nor did Simon Montford the younger diſcharge it upon being reſtored to the Earldom of Leiceſter. Bygot therefore ſtill kept up his claim to the Stewardſhip, and accordingly in the twentieth year of Henry III. (which muſt have been fifteen years after the award made at Oxford,) he inſiſted on performing the office of Steward, at the enſuing coronation of the Queen.

Camden our famous Antiquarian, in a little piece he wrote on the High Steward of England, preſents us with the following Memoir on this ſubject; which, he ſays, he took from the Red Book in the Exchequer; where however I cannot find it; and I think Mr. Madox has clearly proved, that the Red Book was written long before the 20th of Henry III. Cambden however found it, I ſuppoſe, in ſome book or record of ſufficient authority to eſtabliſh its veracity. The original is in Latin, I give it to the reader in Engliſh.

" In the 20th Henry III. at the coronation of his wife Eleanor, daughter of the Earl of Provence, Simon of Montford Earl of Leiceſter ſerved as Seneſchal; although Roger of Bigot Earl of Norfolk oppoſed it, ſaying, that the office was his, *of old time*. To which the ſaid Simon replied, that in the time of King John, a diſpute having ariſen on this point, between their

their predeceſſors, it had been adjuſted in this manner, namely, that the Earl of Leiceſter ſhould give to the Earl of Norfolk the ſervices of Ten Knights, and Roger Earl of Norfolk ſhould remit all the Claim he had in the Stewardſhip. To which the other replied, that there yet remained to be aſſigned Two Fees and an half out of the aforeſaid Ten. To which Earl Simon made anſwer, that according to the laws of the land, Roger might obtain his arrears in any of the King's Courts, and that he (Simon) ought not to be obſtructed on this account, when he confeſſes that there was ſuch an agreement. And ſo the Earl of Leiceſter ſerved on that day." Nevertheleſs (ſays Mr. Cambden) what were the ſervices and fees belonging to this office, was at that time ſo uncertain, that a Commiſſion was directed, as appears by the Records in the Tower, to Lora Counteſs of Leiceſter, then an Anchoreſs at Hakington in Kent, for information on that point: but what ſhe certified thereupon, does not appear.

Mr. Cambden cited the above Memoir, to prove that the Earl of Leiceſter was Steward of England, and as ſuch officiated at the Coronation of Eleanor. But it is plain, from the Cloſe Roll of Henry III. that the Stewardſhip in diſpute was that of the *Houſhold*. The Roll and the Memoir placed together,

ſerve

ſerve to explain each other. The latter ſays, that the diſpute was about the Stewardſhip, which I ſhould ſuppoſe with Cambden, was the Stewardſhip of England (as it concerned a Coronation) if the Roll did not expreſsly limit it to the Stewardſhip of the King's Houſhold. But confining it to this ſenſe, I find myſelf in a difficulty. The Earls of Leiceſter were never, that I know, Stewards of the Houſhold; but the Bigots were in that office ſucceſſively, in the reigns of four or five Kings. The Earl of Leiceſter however having a claim to it, this Roger tranſferred his title to the Earl of Leiceſter, for ten Knights Fees. And accordingly, ſays the Memoir, the latter acted as Steward. But if he officiated as Steward of the Houſhold, what became of his office as Steward of England; in which character he ought to have appeared at the grand ceremony of a Coronation. If he was Steward of the Houſhold, and the office was hereditary, why were none of the ſubſequent Earls of Leiceſter Stewards of the Houſhold in like manner? they inherited the title of Stewards of England, but were never, one of them, that I find, Stewards of the Houſhold. I cannot otherwiſe account for this diſpute between the Houſes of Leiceſter and Norfolk, than by ſuppoſing that the two Seneſchalcies were confounded with each other, and that he, who held the one, thought he had a

right

right to the other, at leaſt with reſpect to certain ſervices. They both claimed upon the ground of inheritance. After this time, Stewards of the Houſhold continued to be appointed by our Kings at their pleaſure; but the Earls of Leiceſter were Stewards of England.

Matthew Paris, in his copious life of Henry the Third, gives us an account of that King's marriage, and the coronation of Eleanor; but he ſays not a word of this diſpute; nor does he tell us, that Simon Montford did act as Steward, at the coronation of the Queen. His account of this Coronation is this; "The Magnates or Great Men, "exerciſed the offices, belonging to them by "antient cuſtom and right on the corona-"tions of Kings. Certain citizens diſ-"charged the ſervices which belonged to "them, in right of their anceſtors. The "Earl of Cheſter bore the ſword of St. Ed-"ward, called the Curtana, before the King, "in ſign of his being a Count Palatine, and "having a power of reſtraining the King, if he "ſhould go aſtray: The Conſtable of Cheſ-"ter attending upon him, and keeping off "the people, when they preſſed too much. "The Earl of Pembroke, Great Mareſchal "of England, bearing a rod before the King, "and making way for him, both in the "church and in the hall; and at the table

"placing

" placing the company, and ordering the " entertainment. The keepers of the " five ports bore the pall over the King, " with four ſpears; their right to that " office was diſputed. The Earl of Lei- " ceſter held the baſon to the King, when " he waſhed before dinner. The Earl of " Warren was cup-bearer, in the room of " the Earl of Arundel, who could not per- " form that office himſelf, on account of " his youth, and becauſe he was not yet " girded with the ſword of Knighthood. " Michael Belet was Chief Butler. The Earl " of Hereford did the office of Mareſchal of " the King's Houſhold. William de Beau- " champ performed the office of Almoner. " The Juſticiar of the Foreſt, on the " King's right hand, put the diſhes on the " table; but he met at firſt with ſome ob- " ſtruction in that office. The Citizens of " London provided wine in great plenty, " and cups of ineſtimable value. The " people of Wincheſter had the charge of " the cookery and victuals. Others in like " manner performed, or claimed a right to " perform, what they thought belonged to " them by ancient ſtatutes. Many diſputes " aroſe on theſe points, which were to be " ſettled afterwards, at a convenient time." The hiſtorian goes on in the following ſtrange Latin, which I will not attempt to tranſlate: " *Officium Cancellariæ Angliæ, & omnia*

" *officia ordinata ſunt, quæ regia ſunt, &*
" *aſſiſa, in Scaccario. Unde Cancellarius*
" *Camerarius, Mareſchallus, Conſtabularius,*
" *ſibi ibidem ſedem ſumpſerunt ſui ratione*
" *officii: ſicut Barones omnes in ſui crea-*
" *tione fundamentum in civitate Londinenſi,*
" *unde quilibet eorum ſuum ibi locum ſortitur.*
" *Splenduit igitur ſolennitas, clero ac militiâ*
" *laudabiliter ordinata. Abbas vero Weſtmo-*
" *naſterii aquam benedictam aſperſit. Theſau-*
" *rarius patenam, vices agens Subdiaconi, baju-*
" *lavit. Quid in eccleſia ſeriem enarrem Deo,*
" *ut decuit, reverenter miniſtrantium. Quid*
" *in menſâ dapium, & diverſorum libaminum,*
" *deſcribam fertilitatem redundantem; venati-*
" *onis abundantiam, piſcium varietatem, jocu-*
" *latorum voluptatem, miniſtrantium venuſta-*
" *tem. Quicquid mundus potuit effundere vo-*
" *luptatis & gloriæ, eminus ibi demonſtrabat.*"

It is very remarkable, that in this elaborate deſcription of the coronation, the hiſtorian does not even mention ſuch an officer, as the hereditary, or indeed of any ſteward; though the Earl of Leiceſter, Steward of England, was preſent at the ſolemnity.

Matt. Paris & Dugdale.

Simon Montford governed Gaſcogne, as Seneſchal for King Henry the Third many years, with great reputation and ſucceſs. But Henry having at length ſuperſeded him, by appointing his ſon Prince Edward to the govern-

government of that Province, Montford left it in diſguſt, and retired to the Court of France. The great fame of his abilities and bravery procured him the moſt cordial reception in that kingdom; which at that time was plunged into the greateſt dejection and diſorder; the Queen Regent was then lately dead, and Lewis yet remained in the Holy Land, whither he had gone ſome years before, with a reſolution to return no more to France, but ſpend his time in purchaſing an heavenly crown, by warring againſt the infidels. Montford was afterwards reconciled to his Royal Brother-in-law, and returned to England. But a freſh rupture enſued. Being diſſatisfied with Henry's partiality for foreigners, and bad conduct in other reſpects, he aſſociated with the diſcontented Barons, who waged war upon the King, or rather his evil Miniſters, for the redreſs of grievances and the confirmation of their charters. In this conteſt, Montford took the King, Prince Edward, and Richard King of the Romans, priſoners; after which for ſome time, he had the ſole management of the kingdom; in this height of his power, he introduced that parliamentary repreſentation of the Commons, which has continued to this day. But Montford ſoon after experienced a reverſe of fortune, and was killed at the battle of Eveſham, on the 4th of Auguſt, A. D. 1249 (49 Henry III.). Henry de

Montford, his eldeſt ſon, periſhed at the ſame time, and his party was utterly vanquiſhed.

Simon Montford left three ſons, none of which ever enjoyed any part of the honours and poſſeſſions of their father. Theſe were confiſcated, and a few months after Montford's death, given by the King to Edmund Plantagenet his ſecond ſon, ſurnamed Crouchback, Earl of Lancaſter. At the ſame time, the King made his ſaid ſon a grant of the Seneſchalcie or Stewardſhip of England, to hold to him and his heirs, by the ſervices due and accuſtomed.

This Edmund left, as the heir of his honours and eſtates, his ſon Thomas, whom he had, together with Henry, by his ſecond wife, Blanch Queen of Navarre. Thomas took part with many other great Barons, againſt King Edward the Second's favourites: in this conteſt being defeated and taken priſoner, he was beheaded at his caſtle of Pontefract in Yorkſhire (15 Edward II.); but his ſentence being ſhortly afterwards reverſed by an act of parliament, Henry his brother and heir ſucceeded him in his titles and poſſeſſions.

This Henry left a ſon, alſo named Henry, who was advanced by King Edward the Third

to

to the title of Duke of Lancaſter: who dying without male iſſue, his vaſt poſſeſſions were divided between his two daughters, his heirs, purſuant to the partition made thereof by the Duke himſelf. Of theſe daughters, Mathilda or Maud the elder, was the wife of William of Bavaria, Earl of Holland, &c. called the Mad, eldeſt ſon of Lewis of Bavaria, Emperor of the Romans, by Margaret Counteſs of Holland, and elder ſiſter to Philippa Queen of England. In right of his wife, William the Mad had the Manor and Caſtle of Leiceſter; but whether he had with them, the Earldom of Leiceſter and the Stewardſhip of England, I cannot tell; though I ſuppoſe he had not, as he was a foreigner. I find him however called Earl of Leiceſter by our Engliſh writers, but this perhaps only by courteſy. Dugdale.

Mathilda having no children, and dying ſoon after her father, John of Gaunt, King Edward IIId's third ſon, huſband of Blanch, Duke Henry's only ſurviving child, became, through Blanch, ſole Heir to his Earldoms and immenſe poſſeſſions, and was ſhortly after created Duke of Lancaſter.

On the death of John of Gaunt, the Stewardſhip of England went to Henry of Bolingbroke, who incorporated it with the Crown, with the reſt of his inheritance.

Since Henry the Fourth, the office of Steward of England has remained in the hands of the Kings of England, juſt as the Seneſchalcie of France did in the hands of the French Kings; after the Earldom of Anjou had lapſed to that Crown, on the death of Arthur of Bretagne, nephew to King Richard the Firſt.

This is all I am able to collect, concerning the hereditary Stewards of England; and it conſiſts of little we ſee, but their names. It cannot but ſurpriſe the reader, to ſee an office of ſo much pretenſion, ſo little underſtood, and ſo rarely exerciſed, during a courſe of 300 years.

The only perſon we read of, that ever appeared in the character of Hereditary Steward of England, was John of Gaunt; and he never, that I can find, diſcharged that office more than twice. Among the Cotton Manuſcripts, depoſited in the Britiſh Muſeum, is a memoir relative to his claim to the Stewardſhip of England. It was written, I believe, in the time of King Richard the Second. As this piece has all the marks of a genuine record, I ſhall tranſlate from the Latin as much of it as relates to the preſent ſubject. " After the death of " Edward the Third, conſultation being had " about the ſolemnity of the Coronation of

" King

" King Richard the Second; John, King
" of Caſtill, and Leon, Duke of Lancaſter,
" appeared before the King and Council,
" and claimed, as Earl of Leiceſter, the
" office of Seneſchal of England; as
" Duke of Lancaſter, the right of bearing
" the principal ſword, called the Curtana,
" on the day of the Coronation; and as
" Earl of Lincoln, to cut and carve for the
" King, ſitting at table on the day of his
" coronation. Diligent examination being
" made before certain of the King's Council,
" concerning theſe demands, it ſufficiently
" appeared to the ſaid Council, that to the
" ſaid Duke, as holding by the law of Eng-
" land, after the death of Blanch his wife,
" appertained what he claimed. And it
" was conſidered by the King and Council,
" that the ſaid Duke ſhould exerciſe the ſaid
" offices by himſelf, or deputies, and receive
" the fees belonging thereto. On Thurſday
" before the day of Coronation (which was the
" Thurſday following) by order of the King,
" he ſat judicially, and kept his court in
" the White-hall of the King's Palace at
" Weſtminſter, near the King's Chapel, and
" there received the bills and petitions of all
" ſuch of the nobility and others, as by
" reaſon of their tenure, or otherwiſe, claim-
" ed to do ſervice at the new King's Coro-
" nation, and to receive the fees and allow-
" ances therefore due and accuſtomed."

The Duke's Addreſs on this occaſion was that of, *Right Honoured Lord*, or *Right Dread Lord*; in the French, *Tres-redoute Seigneur*, or *Tres-honorè Seigneur*. The Conſtable, the Mareſchal, the High Chamberlain, were all obliged to petition him, to be allowed in the exerciſe of their reſpective offices, and they were to make good their claim to the ſame, in his Court and before him.

The whole ceremonial of the coronation ſeems to have been committed to his direction. He performed the duty of Seneſchal perſonally; beſides which, he bore the ſword before the King, till after Maſs: when being employed in his poſt of Seneſchal, he committed the ſword to be borne by his ſon and ſubſtitute, the Earl of Derby. At the Coronation dinner, the Seneſchal, the Conſtable, and the Mareſchal, of England, and many other Knights of their appointment, paraded the hall on deſtrers, and kept the people off.

Rymer.

The other memorable occaſion, on which the ſame Duke of Lancaſter figured in the character of Seneſchal of England, was at the tryal of Richard Earl of Arundel, and ſeveral other perſons, in the twenty-firſt year of King Richard the Second, A. D. 1397.

This was the firſt time, as far as I can diſcover, that the Steward of England ſat in Judgment, or that pomp and ceremony were

uſed

uſed in the arraingement of Peers. The forms uſed on that occaſion were, if I am not miſtaken, for the moſt part new, though ſome of them were followed in after times. Theſe forms will appear to beſt advantage, and be beſt underſtood, if viewed with their concomitant facts and circumſtances. I ſhall therefore ſelect the moſt ſtriking parts of theſe trials, and preſent the reader with an epitome of the whole proceeding.

I muſt premiſe a few particulars, to render the narration entertaining and uſeful.

Richard II. being determined at any rate, to render himſelf independent of his people and parliament, thought it expedient to get rid of his Uncle the Duke of Glouceſter, and the Earls of Arundel and Warwick. He determined to make ſevere examples in the perſons of theſe noblemen; and having gotten them into his hands, by three ſeveral acts of treachery, he ſuborned certain Lords, the wretched tools of his revenge and deſpotiſm, to purſue them by a bill of appeal for offences, they had committed nine or ten years before, and which had been pardoned by acts of parliament, by proclamation, and by charter. As it was thought neceſſary to have the concurrence of parliament, upon the meaſures he had reſolved on, with reſpect to theſe three noblemen; he ſecured a large majority among the Lords, and got

ſuch

ſuch repreſentatives of the Commons returned, as were of his own nomination, and ſuited to his purpoſe. The Duke and the two Earls being ſecured, Richard held a council of his Lords at Nottingham, on the firſt day of Auguſt, A. D. 1397. In that council on the fifth day of the ſame month, Edward Earl of Rutland, Thomas Earl of Kent, John Earl of Huntingdon, Thomas Earl of Nottingham, John Earl of Somerſet, John Earl of Saliſbury, Thomas Lord Deſpenſer, William Le Scrope, Chamberlain of the King, delivered to the King, ſitting in royal eſtate, with the crown on his head, in the great room of the caſtle at Nottingham, a bill, containing a charge againſt Thomas Duke of Glouceſter, Richard Earl of Arundel, and Thomas Earl of Warwick, for traiterouſly uſurping the royal authority; undertaking to prove them traitors to the King, and to the realm; and ſupplicating his Majeſty to hear them as ſoon as poſſible, upon this their appeal, and to do full juſtice and right thereon. In conſequence of this bill, the King, by the advice of his counſel, who were then about his perſon, appointed the appellants to make good their appeal in the enſuing parliament, which was ſummoned to meet at Weſtminſter on the 17th of September following.

Rapin. Parl. Rot.

Holingſhed. In the mean while, the King cauſed a large houſe of timber to be made within the

the palace of Weſtminſter, which was called an hall. It was cover'd with tiles, and open at the ends, that all men might ſee through it. This houſe was of ſo great a compaſs, that there was ſcarce room for it within the palace. In it was made an high throne for the King, and a large place for all his eſtates beſides to ſit in. There were places alſo made, for the appellants to ſtand on the one ſide, and the defendants on the other; and a like room was made behind for the Knights and Burgeſſes of the parliament. There was a place deviſed for the Speaker of the Commons, named Sir John Buſſy, a Knight of Lincolnſhire.

The perſons to be arraigned before the parliament aſſembled in this place, were the Duke of Glouceſter, the Earls of Arundel and Warwick, Thomas Arundel, brother of the Earl and Archbiſhop of Canterbury, Sir Thomas Mortimer, and Lord Cobham. The three firſt were proſecuted by a bill of appeal; Mortimer was firſt appealed by the five appellant Lords, then impeached by the Commons: the Archbiſhop and Lord Cobham were impeached, and accuſed by the Commons.

The day after the meeting of the parliament, the Commons repreſented to the King, that before thoſe times, many judgments and ordinances made in the time of his progenitors,

Parl. Rot. tors, Kings of England, had been repealed and annulled, becauſe the eſtate of the Clergy was not preſent in parliament, at the making of the ſaid judgments and ordinances. And therefore they prayed the King, that for the ſafety of his perſon and the ſalvation of his realm, the Prelates and Clergy might make a Procurator, who ſhould conſent in their name to all the things and ordinances that ſhould be made in that parliament, for the execution of juſtice, The Spiritual Lords being ſeverally aſked about this matter, conſented to appoint one perſon of the laity, with full powers in that behalf; and they named for this purpoſe Sir Thomas Percy, whom the King received, and ordered to be enrolled among the Records of the Parliament.

Upon this, Sir John Buſſy recited the Act of the Clergy, which had been reported by the Chancellor. Then he ſhewed the King, on the part of the Commons, how in a parliament held at Weſtminſter, the firſt of October, in the tenth year of his reign, Thomas Duke of Glouceſter and Richard Earl of Arundel, traitors to the King and his Realm, by falſe imagination and compaſſing, cauſed to be made by ſtatute, a Commiſſion directed to themſelves and other perſons of their naming, for having the government of the King and his Realm, as well within the houſhold of the King as without, and in the ſeveral Seigniories of the King, as is contained

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in the ſaid Commiſſion: of which the tenor is as follows.* *(Then follows the Commiſſion.)*

Which commiſſion and ſtatute, touching the ſaid commiſſion, ſeemed to the ſaid Commons to be prejudicial to the King and his Crown, and an uſurpation of Royalty and Royal power. They ſhewed likewiſe, that the ſaid Duke of Glouceſter and Earl of Arundel, ſent a great perſon, a Peer of the Realm, with a meſſage to the King, inform-

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* This Commiſſion is too long to be inſerted: by it the King conſtituted the two Archbiſhops, the Dukes of York and Glouceſter, the Biſhops of Wincheſter and Exeter, the Abbot of Waltham, the Earl of Arundel, the Lords Cobham, Le Scrope, Devereux, to be of his great and continual Council for one year, in aid of the good government of the kingdom, for the due execution of the laws, and the relief of the ſtate of the King and his people. They were inveſted with full powers to ſurvey and examine the eſtate and government of his whole kingdom, his courts and houſhold, and the behaviour of all his officers, of what degree ſoever; to inquire into the ſtate of his revenues of all ſorts, to examine into all kinds of grants and alienations, of fees and rewards, made in his grandfather's time as well as his own; to enter his courts, to cite perſons, and order records to be produced, to hear complaints and take informations as to all theſe and the like matters; and to correct, amend, and fully execute, and finally determine every thing, as it ſhould ſeem beſt to them, and for the profit and honor of them, and the good of the people. Theſe powers were granted to any ſix of them, together with the Chancellor, Treaſurer and Privy Seal; and their reſolutions were to be determined by a majority. The Commiſſion was confirmed by ſtatute: and it was enacted, that if any one ſhould diſturb the Commiſſioners in the execution of it, or adviſe the King to make any revocation of their power; the perſon, on conviction, ſhould forfeit his goods and chattels for the firſt offence, and for the ſecond be puniſhed as a traitor. *See Louth's Wykeham.*

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ing him, that if he did not conſent to the ſaid commiſſion and grant it, he was in great peril of his life. And ſo, as well the commiſſion as the ſtatute touching the ſame, were made by conſtraint againſt the will and pleaſure of the King. The Commons therefore prayed the King, that the ſaid commiſſion and ſtatute touching the ſame, together with all the dependencies thereof, might be repealed in this preſent parliament, and entirely annulled, as a thing traiterouſly done, againſt his regality, crown, and dignity. Upon which the King, by the aſſent of all the Lords ſpiritual and temporal; and the proctors of the clergy, aſſembled in this preſent parliament, and at the requeſt of the Commons, repealed the ſaid commiſſion and ſtatute, and all the pains and dependencies thereof, and annulled them for ever.

On the ſame day the ſaid Commons ſhewed the King, in this parliament, how the ſaid Duke of Glouceſter and Earl of Arundel continuing their evil and traiterous purpoſes, which they had begun by colour of the ſaid commiſſion, aſſumed to them Thomas Earl of Warwick; and that the three together cauſed to be levied in a forcible manner, to make war, a great number of the King's liege people, and aſſembled at Haringey, and ſo came in a forcible manner to our Lord the King at his Palace at Weſtminſter,

minſter, and made the King by coerſion and compulſion ſummon a parliament, held at Weſtminſter in the eleventh year of his reign. To which parliament they came traiterouſly in a forcible manner, to make war, and cauſed the King to make a pardon by ſtatute to the ſaid Duke and Earls, and others, who were in their company, and of their aid and counſel, as in the record of the ſame parliament fully appears. And for as much as the ſaid pardon was made by compulſion and reſtraint of the ſaid Duke and Earls, in prejudice of the King, and againſt his will and pleaſure, and Regality, Liberty, and Dignity of his Crown; the ſaid Commons prayed the King, that the ſaid pardon might be totally repealed and annulled. Accordingly the pardon was annulled in the ſame manner and form as the commiſſion and ſtatute had been annulled juſt before.

The Commons then prayed the King to repeal a certain charter of pardon, which he had granted to Richard Earl of Arundel on the thirtieth of April in the ſeventeenth year of his reign. The King granted their requeſt, and the ſaid charter of pardon was repealed by conſent of all the eſtates of parliament.

On

On Thurſday the twentieth of September, the Commons accuſed and impeached before the King in full parliament Thomas Arundel Archbiſhop of Canterbury of high treaſon; for that he being chief officer of the King; that is to ſay, his Chancellor, was traiterouſly aiding, procuring and counſelling, in the making and proſecuting the ſaid commiſſion, directed to Thomas Duke of Glouceſter, Richard Earl of Arundel, and others; and did procure himſelf, being chief officer of the realm, to be put into the ſaid commiſſion, to have power to execute the ſame, together with other commiſſioners: which commiſſion was made in prejudice of the King, and overtly againſt his regality, his dignity, and his crown; and that the ſaid Thomas of Arundel Archbiſhop, uſed and put into execution ſuch commiſſion, and thereupon the ſaid Commons prayed the King that the ſaid Thomas Archbiſhop might be put in ſafeguard in comely manner. The King ſaid, that becauſe the ſaid accuſations and impeachments touched ſo high a perſon and peer of his realm, he would thereupon be adviſed.*

* Walſingham ſays, that the Archbiſhop by advice and command of the King abſented himſelf from the parliament; the King having ſworn to him that nothing ſhould be done to his prejudice.

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The proceedings againſt the appealed Lords were opened with the recital of the bill of appeal, that had been preſented to the King at Nottingham: which was followed with a recapitulation of the treaſons and miſdeeds of the appealed Lords under divers heads. The ſum of the ſeveral charges againſt them was — that they had procured a commiſſion from the King and Parliament, in the tenth year of the reign of the King, to exerciſe certain powers for one year—that this commiſſion was extorted by violence, and ſubverſive of the King's royal power — that they had levied an armed force to carry their ſchemes into execution by threats and violence — that they had gotten Sir Simon Burlè condemned and executed by parliament againſt the King's inclinations — that they had threatened the King to depoſe him, in like manner as his great grandfather Edward the Second had been depoſed; and had told him, that they would let him reign out of reſpect to his noble grandfather and father, and in hopes that he would mend his evil government in time to come. The appellants deſired to be permited to make good their appeal; and thereupon they prayed the King, that he would pleaſe to cauſe to come before him in the preſent parliament the perſons appealed, who were in arreſt, to anſwer to their appeal, and the declarations

rations of the ſame. Upon which command was given to Ralph Lord of Nevill, Conſtable of the Tower of London, then preſent, to cauſe to come into the parliament Richard Earl of Arundel, being in his ward by command of the King, to anſwer to the appellants. The Conſtable on Friday the twenty-firſt day of September brought into parliament the Earl of Arundel; and the appellants came in their proper perſons. The Earl was arraigned in a red gown and ſcarlet hood, and forthwith the Duke of Lancaſter, Steward of England, ſaid to the Lord Nevill, *take from him his girdle and his hood*, and then declared to the Earl by command of the King, and advice of all the Lords, Peers of Parliament, that he was appealed by Edward Earl of Rutland, Thomas Earl of Kent, John Earl of Huntingdon, Thomas Earl of Nottingham, John Earl of Somerſet, John Earl of Sarum, Thomas Lord Deſpenſer, and William le Scrope, preſent in their own perſons, of divers high treaſons. Of which appeal and declarations thereof, he was told, he ſhould have the hearing, and power of anſwering to the ſame. The appeal and declarations were read to him. Having been ſworn before the King and the whole Parliament upon the articles he was charged with, and having heard the appeal and declarations

Hollingſhed.

Parl. Rot.

clarations thereupon, he anſwered, that he had a general pardon made in the Parliament held at Weſtminſter in the eleventh year of the King. He was told by the Duke of Lancaſter, by command of the King, and advice of all the Lords Peers of parliament, that that pardon was made by conſtraint of the Duke of Glouceſter and the Earls of Arundel and Warwick, with others of their covyn, accroching to themſelves royal power, in prejudice of the King, his royal eſtate, his crown and his dignity: and that therefore that pardon was, by aſſent of the King and of all the eſtates of parliament, at the requeſt of the Commons, in that ſame parliament repealed and annulled, and adjudged as null and of no force at any time, as by the ſtatute thereupon made, plainly appeared. Then it was demanded of the Earl, if he would ſay any thing more; and he ſhould anſwer at his peril: and the King commanded Sir Walter Clopton, his Chief Juſtice, to tell and declare to the Earl the law; and the ſentence he would incur, if he made not ſome other defence. Sir Walter then ſhewed him, that the law was ſuch, that if he would not ſay ſomething elſe, he would be convicted and attainted of all the matters againſt him ſurmiſed. But the Earl, notwithſtanding

the repeal of the pardon and the charters, neither ſaid, nor would ſay any thing elſe; only that he demanded allowance of the charter and pardon, and that he would not go from the favor and grace of the King.

Stow. Hollingſhed. The Duke of Lancaſter ſaid to him, *Thou traitor, that pardon is revoked.* The Earl anſwered, *Truly thou lieſt, I was never a traitor.* Alſo the Duke of Lancaſter ſaid, *why didſt thou purchaſe thy pardon?* The Earl anſwered, *to eſcape the tongues of my enemies, of whom thou art one: and verily as far forth as toucheth treaſon, thou haſt more need of pardon than I.* The King ſaid, *make anſwer to thine appeal.* The Earl anſwered, *I ſee well that theſe perſons have accuſed me of treaſon, ſhewing the appeals; but truely they all lie, I was never traitor; but I aſk always the benefit of my pardon, the which your Grace granted to me within theſe ſix years laſt paſt, being of full age, and of your frank good will and proper motion.* Then ſaid the King, *I did ſo grant it that it ſhould not be againſt me:* Then ſaid the Duke of Lancaſter, *the grant availeth not.* The Earl anſwered,* *truly of*

* There ſeems here to be ſomething loſt.

that

that pardon I knew leſs than thyſelf, who waſt then on the further ſide of the ſeas. Then ſaid Sir John Buſſy, *that pardon is revoked by the King, the Lords, and us his faithful people.* The Earl anſwered, *where are thoſe faithful people? I know thee well, and thy company; how ye are gathered together, not to deal faithfully, for the faithful people of the realm are not here, and therefore do lament for me; and well I know that thou haſt been ever falſe.* Then Buſſy and his fellows cried out, *Behold, Sovereign Lord, and King, how this traitor goeth about to raiſe ſedition between us, and thoſe people, that are at home.* The Earl anſwered, *Ye lie; I am no traitor.* Then roſe the Earl of Derby, and ſaid, *Didſt thou not ſay to me at Huntingdon, where we were firſt aſſembled together to riſe, that it was beſt afore all things to take the King.* The Earl ſaid unto the Earl of Derby, *Thou lieſt on thy head; I never thought of my Sovereign Lord the King, but what was good, and for his honour.* Then ſaid the King, *Didſt thou not ſay to me in the time of thy parliament in the Bath behind the White-Hall, that Sir Simon de Burle was worthy of death for many cauſes? and I anſwered, that I knew no cauſe of death in him; and yet thou, and thy fellows didſt traiterouſly put him to death.*

The eight appellants ſtanding on the other ſide caſt their gloves to the Earl, and in proſecuting their appeal, offered to fight him to juſtify the ſame. Then ſaid the Earl, *If I were at liberty, and that it might ſo ſtand at the pleaſure of my Sovereign, I would not refuſe to prove you all liars.*

Parl. Rot. The appellants pray'd the King, that it would pleaſe him to give judgment againſt the Earl of Arundel, as convicted of all the points, of which they had appealed him. Upon which the Duke of Lancaſter by command of the King, and of all the Lords temporal, and of Sir Tho. Percy (fully authorized by the prelates and clergy of the realm to be their procurator) awarded the ſaid Earl of Arundel culpable, and convicted of all the points, of which he was appealed; and therefore he was adjudged a traitor to the King and the realm, and ſentenced to be drawn, hanged, beheaded, and quartered; and becauſe the ſaid treaſons were ſo high, and he had renounced his liege homage and depoſed the King of his crown, regality, eſtate and dignity; and becauſe the levying of war was ſo notorious; the Duke of Lancaſter, by command of the King and the Lords

Lords temporal, Peers of the land, and of the ſaid Sir Thomas Percy, awarded, that all the caſtles, manors, lands, tenements, reverſions, fees, advowſons, and every other kind of hereditament, as well of fee-tail as of fee-ſimple, which were belonging to the ſaid Earl of Arundel the nineteenth day of November, in the tenth year of the reign of the King, or afterwards; and alſo all the lands, and tenements, to whatſoever perſons they were infeoffed for his uſe, on the ſaid nineteenth day of November or afterwards, ſhould be forfeited to the King and his heirs, by the ſaid Earl of Arundel and his heirs, for ever, according to a ſtatute in that parliament made; and alſo that all his goods and chattels ſhould be forfeited to the King. After he had made an end and pauſed a little, he ſaid — *The King our Sovereign Lord of his mercy and grace, becauſe thou art of his blood, and one of the Peers of the realm, hath remitted all the other pains, ſaving only the laſt; that is to ſay, the beheading, and ſo thou ſhalt only looſe thy head.* Upon this, command was given to the Lord de Morlè, Lieutenant of the Mareſchal of England, to do execution near the Tower of London. And thus the Earl of Arundel was beheaded the ſame day.

In pronouncing the ſentence, the Duke began thus — *Richard, I, John Steward of England, judge thee to be a traytor, &c.*

The ſame day command was given to Thomas Earl Mareſchal, Captain of Calais, by the King's writ, to cauſe to come before the King and his Lords of parliament, the body of Thomas Duke of Glouceſter. The writ was dated the twenty-firſt of September. On the twenty-fourth of September following, the Earl Mareſchal returned his writ; wherein he ſignified, that he could not bring the * body of Thomas Duke of Glouceſter his late priſoner before the King and his Council in that preſent parliament, becauſe the Duke was dead. Whereupon the writ and the return of the ſame, having been read and conſidered, the appellants prayed the King, that the late Duke of Glouceſter might be judged a traitor and an enemy of the King; as, one, who levied war againſt the perſon of the King within his realme, againſt his ligeance; and they prayed that all his lands, tenements, goods and chattels, notwithſtanding his death, might be for-

* He had been circumvented by the King, and ſent by him over to Calais, where he was ſecretly put to death on the eighth of September by the King's order.

feited

ſeited to the King. Whereupon, at the requiſition of the Commons, and with the aſſent of the Lords ſpiritual and temporal, the Duke was adjudged a * traytor to the King; and all his caſtles, lands, tenements, goods and chattels, &c. were forfeited to the King and his heirs for ever.

On the next day the appellants prayed the King in full parliament, that if any thing was there of record, whether it was by confeſſion of any perſon appealed, or of any other perſon whatſoever touching their appeal and the declarations of the ſame, it might be openly known and declared in full parliament. Then by command of the King, and advice of all the Lords temporal were read, a commiſſion directed to Sir William Rikhill, one of the Juſtices of the King's Common Bench, and a † confeſſion made before him of Thomas Duke of Glouceſter by virtue of the ſaid commiſſion.

On the twenty-fifth of September ſentence was paſſed upon the Archbiſhop of Can-

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* His ſentence, like the foregoing one, was pronounced, I preſume, by the Steward of England.

† In the parliament roll, this confeſſion is recited at large.

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terbury, abſent, and unheard.* The King and all the Lords temporal, and Sir Thomas Percy, adjudged and declared him to have been guilty of treaſon. Upon which it was awarded in parliament, that the Archbiſhop ſhould be baniſhed, and exiled out of the realm of England, and that his temporalties ſhould be ſeized into the King's hands, and his goods forfeited, and that he ſhould be in exile as long as it ſhould pleaſe the King: moreover, the King aſſigned to the Archbiſhop, for the day of his paſſage, Friday ſix weeks after Michaelmas, and to be from the port of Dover to the parts of

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France: beſides this, it was adjudged that he ſhould forfeit to the King and his heirs for ever, all his lands, tenements and poſſeſſions, which he had in fee ſimple, by deſcent, purchaſe, or any other manner; or which he had poſſeſſed on the day of the treaſon or ſince; or which any other perſon had to his uſe.

Command was given to the Conſtable, to cauſe to come into the parliament, Thomas Earl of Warwick, being in his ward, by the command of the King, to anſwer to the Appellants and their declarations. The Conſtable, on Friday the twenty-eighth of September, brought before the parliament, * Thomas Earl of Warwick. And the Appellants appeared in their proper perſons. The Duke of Lancaſter Steward of England ſhewed him, by command of the King, and advice of all the Lords temporal, Peers of Parliament, that he was appealed by Edward Earl of Rutland, Thomas Earl of Kent, John Earl of Huntingdon, Parl. Rot.

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Thomas

Thomas Earl of Nottingham, John Earl of Somerſet, John Earl of Sarum, Thomas Lord Deſpenſer, and William Le Scrope, preſent in their proper perſons, of divers high treaſons: that is to ſay, for that he and the other Appellees, on the thirteenth of November, in the eleventh year of the reign of our Lord the King, levied and aſſembled at Haringey in the county of Middleſex, a great number of people, armed and arrayed for making of war, and made divers liege people of the King, of divers parts within his realm, riſe and ride with him, againſt the King and againſt his ligeance: and that the ſaid Earl of Warwick, and the other Appellees came before the King in his royal palace at Weſtminſter, with a great force of people, and conſtrained the King, and traiterouſly made him take them into his protection againſt his will: and for this, that he and the Duke of Glouceſter, and Earl of Arundel, took and impriſoned divers liege people of the King, and among others, Simon de Burlè Knight, and carried him to the parliament held at Weſtminſter, the day after the purification of our Lady, in the eleventh year of his reign; and that to the ſaid Simon were ſurmiſed divers points of crime and high treaſon; and that thereupon, was demanded of every Lord in parliament, his opinion of the ſaid Simon, touching his criminality; and

after-

afterwards, that the Earl of Warwick, and the Duke of Glouceſter and Earl of Arundel, willing to know the mind of the King, aſked him thereof; and the King anſwered plainly, that Simon was not culpable, as to any of the points ſurmiſed againſt him: and that a little after, the Earl of Warwick, the Duke of Glouceſter and the Earl of Arundel, cauſed the King to come into a ſecret place at Weſtminſter, and ſhewed him how and in what points Burlè was culpable; to whom the King then made anſwer, that Burlè was not guilty in any of thoſe points: and thereupon the Earl of Warwick, the Duke of Glouceſter and the Earl of Arundel, took upon them to have the King conſtrained to give aſſent to the judgment, which they had purpoſed againſt the ſaid Simon, upon the points alledged againſt him. And thus the Earl of Warwick, and the Duke of Glouceſter and Earl of Arundel, took upon them royal power, in prejudice of the King and derogation of his crown; and without his aſſent and againſt his will, and in his abſence, and in the abſence of many Peers of parliament; and without their conſent and againſt their will, awarded, that the ſaid Simon ſhould be drawn, hanged, and beheaded: and that upon this they cauſed him traiterouſly to be beheaded, againſt the peace of the King, his crown, majeſty and dignity;

as in the declarations of the appeal was contained more in full.

Which appeal and declarations being read and heard, the Earl anſwered—that he never meant ill to the King's perſon, nor thought that thoſe rides, and aſſemblies, that were made in company with the Duke of Glouceſter, the Earl of Arundel and others, could be accounted treaſon. But when the judges had ſhewed him, that they could not be otherwiſe taken than for treaſon, he humbly beſought the King's mercy and grace. The King then aſked him, whether he had rid with the Duke of Glouceſter and the Earl of Arundel, as had been alledged; he anſwered, that he could not deny it, and wiſhed that he had never ſeen them. Then the King demanded of him, by whom he was allured to join with them; he anſwered; by Thomas Duke of Glouceſter, and the Abbot of Saint Albans, and a Monk recluſe in Weſtminſter. Then ſaid the King, *do you not know that you are guilty of treaſon?* He anſwered again, *I acknowledge it.* And with ſobbing tears beſought all that were preſent to make interceſſion for him. The Duke of Lancaſter, by command of the King and of all the Lords temporal, and Sir Thomas Percy, awarded that the ſaid Earl of Warwick ſhould be drawn, hanged,

beheaded

beheaded and quartered: and becauſe the ſaid treaſons were ſo high, and the levying of war was ſo notorious, the Duke of Lancaſter, by command of the King and the Peers of the land, and of Sir Thomas Percy, awarded, that all his caſtles, manors, tenements, reverſions, fees, advowſons, and every other ſort of hereditament of the ſaid Earl of Warwick, as well of fee-tail, as of fee-ſimple, which he then or heretofore, viz. on the thirteenth day of November, in the eleventh year of the King, or afterwards had; and likewiſe, all lands, to whatſoever perſons they were enfeoffed to his uſe, on the ſaid thirteenth day of November, or ſince, ſhould be forfeited to the King and to his heirs, by the ſaid Earl of Warwick and his heirs, for ever; according to the ſtatute in that parliament made; and alſo that all his goods and chattels ſhould be forfeited to the King. Then the King and the Duke of Lancaſter held a converſation together; and after a while, when the King had with ſilence conſidered on the matter, he ſaid to the Earl, *By Saint John Baptiſt, Thomas of Warwick, this confeſſion that thou haſt made, is unto me more available than all the Duke of Glouceſter's and the Earl of Arundel's lands.* The Earl ſtill making interceſſion for pardon, the Lords humbly beſought the King to grant it.

Finally,

Finally, the King, moved with pity, through reverence and honor of God, the prayer of the appellants, and the Commons of the parliament, and of all the Lords ſpiritual and temporal, pardoned the Earl of Warwick the execution of the judgment of drawing, hanging, beheading and quartering, and granted him his life; upon condition, that he ſhould remain in perpetual priſon out of the realm, in the Iſle of Man, for term of his life; and that if he or any one for him in time to come, ſhould purſue to the King or to his heirs, to have any further grace; or if he ſhould eſcape from the place aſſigned to him for his remaining in priſon, that the judgment of his death ſhould be put into execution, and that grace be held for null; and that he ſhould be at ſea upon his paſſage towards the Iſle of Man, before the end of the month, after the twenty-ninth day of September, to remain there for the term of life. Upon this, the Earl of Warwick was delivered to Sir William Le Scrope, and to Sir Stephen his brother, to carry him ſafely to the ſaid Iſle, and to keep him there body for body.

The ſame perſons appealed Sir Thomas Mortimer of ſundry treaſons, and prayed to have him brought before the King. Upon this,

this, the Commons affirming before the King the appeal and declarations to be good and loyal, accuſed, and impeached the ſaid Thomas Mortimer of the treaſons comprized in the ſaid appeal and declarations. Thomas Mortimer not appearing to anſwer to the appeal, and proof being made that he had received order from the King by his Serjeant at Arms, upon his ligeance, and upon pain of forfeiting all that he had, to be before the King as ſoon as poſſible, to anſwer to what was ſurmiſed againſt him on the part of the King; the Lords temporal, and Sir Thomas Percy for the clergy, awarded by aſſent of the King and Commons, that proclamation ſhould be made in England and Ireland, that Sir Thomas Mortimer ſhould yield himſelf within three months after the twenty-fourth of September to the King, to be to his anſwer and the law in that behalf; and if he did not come and ſurrender himſelf, he ſhould be adjudged a traytor to the King and to the realm, and be convicted and attainted of all the treaſons, of which he was appealed. This proclamation being made and returned, and Sir Thomas not ſurrendering himſelf, within the three months aſſigned him; the Duke of Lancaſter, in the adjourned parliament held at Shrewſbury, in the month of January following, and all the Lords tem-

poral there preſent, and William Le Scrope Earl of Wiltſhire having ſufficient power from the Prelates and Clergy of the realm of England, becauſe the ſaid Thomas Mortimer did not come, nor render himſelf according to the effect of the proclamations, with aſſent of the King, awarded, that the judgment before given againſt the ſaid Thomas Mortimer ſhould be effectual, and in full force. The ſentence extended to all Mortimer's abettors, adherents and receivers. He was to be ſeized wherever he could be found, and his lands and goods were to be confiſcated, as had been ſpecified in the other judgments.

On Tueſday the twenty-eighth of January, the Commons in parliament at Shrewſbury, ſhewed the King, how they had, in the late parliament at Weſtminſter, accuſed and impeached John of Cobham; for that he was aiding and aſſiſting in making and purſuing the ſaid Commiſſion, and had made and procured himſelf to be put into it, to have power to cauſe the execution of the ſame; and how he had taken upon himſelf the uſing of the ſaid commiſſion; which was made in prejudice of the King, and overtly againſt his regality, dignity and crown; and the ſaid John of Cobham, in the eleventh year of the reign of the King,

with

with others convicted in the parliament, accroaching to himſelf royal power; ſitting in judgment had awarded, that the lieges of the king, Simon de Burlè and James Berners, Knights, ſhould be drawn, hanged and beheaded, without aſſent of the King, and againſt his will, and in his abſence, and in the abſence of many Peers of parliament, (who got up and would not ſit in ſuch judgments) and againſt their will, and againſt the peace of the King, his crown, majeſty and dignity. They then prayed the King, to cauſe John de Cobham to come into the preſent parliament to anſwer to theſe things; and to ordain ſuch judgment againſt the ſaid John de Cobham, as the caſe demanded. Upon this, command was given to Thomas Duke of Surry, to cauſe John de Cobham, being in his cuſtody, to come by command of the King, to anſwer in parliament to theſe impeachments and accuſations. The Duke brought John de Cobham into the parliament the ſame day. To whom it was told and declared by the Duke of Lancaſter, by command of the King, that he was impeached and accuſed by the Commons of the above treaſons: and he was commanded to anſwer at his immediate peril. John de Cobham, the impeachment and accuſations having been heard, ſaid, that with reſpect

to the making of the ſaid commiſſion, he was not culpable; and as to exerciſing the ſame, he ſhould not have done it, without the King's command: he ſaid that he went to the King, and told him that he was named among others in the ſaid commiſſion, but that he would not meddle with it without his command; and that the King commanded him to uſe and have to do with it. The King ſaid, that he was in ſuch governance at that time, on account of thoſe, who were about him, that he could not determine otherwiſe; but that John de Cobham knew well, that this commiſſion was made againſt his will. This the ſaid John de Cobham did not deny. As to the judgment and award made againſt Simon and James, Cobham ſaid, that it was told him by thoſe, who were then maſters, that it was the will of the King to make ſuch judgment, and award againſt the ſaid Simon and James.

The Commons prayed the King, that it would pleaſe him to give judgment againſt the ſaid John de Cobham, as convicted and attainted of the uſing and exerciſing of the aforeſaid commiſſion, and of the judgment and award, which he had given againſt the ſaid Simon and James, notwithſtanding his anſwer. Upon which the Duke of Lancaſter,

by

by command of the King and all the Lords temporal, and William Le Scrope Earl of Wiltſhire having ſufficient power from the Prelates and Clergy of the realm of England, awarded the ſaid John de Cobham convicted, and attainted of the uſing and exerciſing of the aforeſaid commiſſion, and of the ſaid judgment and award, thus traiterouſly made and done againſt the ſaid Simon and James: and therefore they adjudged the ſaid John de Cobham a traitor to the King and the realm; and that he ſhould be drawn, hanged, beheaded and quartered, and that all his caſtles, manors, &c. ſhould be forfeited.

Afterwards the King moved with pity, for the honor of God, and of his eſpecial grace, pardoned him the execution of the ſaid judgment of drawing, hanging, beheading and quartering, and granted him his life; and ordered that he ſhould remain in perpetual priſon out of the realm, in the Iſle of Jerſey, for the term of his life, upon the ſame conditions, as accompanied the baniſhment of the Earl of Warwick.*

IT

* Theſe proceedings of the parliament of the twenty-firſt of Richard II. are ſome of the blackeſt, which diſgrace the

IT was an extraordinary circumſtance in the life of John of Gaunt, that he ſhould realize and ſubſtantiate a title, which till his time had been only an empty ſound; and that the Kings of England ſhould owe to him at their coronation, and the Peers of England, in caſe of an arraignment, the great officer, called Steward of England. The reader may be inclined to aſk—What proof there is that there was no *acting* Steward of England before the time of John of Gaunt? — How he grounded his claim to thoſe particular functions?—How it came to be admitted? — And why he did not extend his pretenſions to other objects? —— I ſhall endeavour to give

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annals of our country: none of our hiſtorians have painted them in their due turpitude; and it is not my buſineſs here to attempt it: this I beg leave to ſay; we ſee here a packed houſe of Commons and a proſtitute aſſembly of ſervile Lords, through fear and intereſt gratifying an execrable tyrant, at the expence of law, conſcience, honor, natural affection, and the deareſt liberties of their country. The two Earls of Derby and Nottingham, who were concerned in thoſe things, which proved the deſtruction of the proſcribed Lords, had the effrontery to appear againſt them; and for this their perfidy, Richard conferred upon them the dignity of Dukes, in this very parliament, and only two or three days after theſe murders and confiſcations were finiſhed. At the ſame time, the appellant Lords were honoured with new titles, and enriched with the eſtates of the Lords appealed.

what ſatisfaction I can, upon each of theſe queſtions.

With reſpect to the firſt thing; after the niceſt ſearch I could make, I did not find that ſuch an officer, as the Steward of England, was ever aſſiſting at a coronation, or the tryal of a Peer, before the time of Richard II. We have accounts of ſeveral preceding coronations written by perſons, who lived at the very time of them; but the writers do not tell us, that the Steward of England had any thing to do at thoſe ceremonies. At the coronation of Eleanor, which was mentioned before, the Hiſtorian ſays, there were great diſputes among thoſe, who claimed particular offices; which were left undecided, till they could be ſettled at a fit opportunity. But I do not know how they could be decided, but by courſe of law, in the ordinary Courts of Juſtice, if there was no High Steward to adjuſt them. The reaſon perhaps, that thoſe diſputes exiſted, was, that there was no ſuch officer to prevent or determine them. The confuſion that was wont to ariſe on ſuch occaſions, might be an argument for introducing a Steward of England, who might erect a court of claims, and ſettle all ſuch matters before-hand.

We ſee, that when the Duke of Lancaſter made pretenſions to the Stewardſhip of England before the King's council, a few days before the coronation of Richard II. his claim was taken into conſideration, and allowed. The deliberation, with which the council proceeded on that ſubject, gives room to think, that the claim was not well underſtood; and they ſeem by the inexplicit and general manner of determining the matter, to have known but very little about it.

The Duke being thus declared Steward of England, and having acted as ſuch at a coronation, he took upon himſelf, about twenty years afterwards, to diſcharge another great duty, namely, to ſit in judgment upon Peers of the realm. Such an officer was a perfect novelty in England, as far as I can diſcover: there is no inſtance of a Steward of England appearing in that capacity, before this twenty-firſt of Richard II. From the conqueſt down to the reign of Edward II. I do not find any Lord tried and executed, except Earl Waltheoff, who was beheaded, A. D. 1075. What formality was obſerved on that occaſion, no Hiſtorian has told us: we are informed only, that he was tried and executed. Piers Gaveſton was, I think, the next Lord executed in England. He was baniſhed by an ordinance of parliament,

Ingulphi Hiſt. M. Weſtm.

ment, the twenty-ſixth of February, A. D. 1307; but the parliament rolls give us no account of the proceedings obſerved in his condemnation. This very Piers Gaveſton, who afterwards was Earl of Cornwall, falling into the hands of the Earl of Warwick, while he, with the confederate Barons, was at war with Edward II. chiefly on Gaveſton's account, was ordered by him, after a quick tryal, of what kind we know not, to be put to death at Warwick; where Gaveſton ſuffered accordingly, on the twenty-fourth of June, A. D. 1312.

In the time of this Edward II. the ſcaffold was drenched with the blood of our Nobility: but the Engliſh Nobles, who fell, were ſo far from being arraigned in the preſence of an High Steward, that ſeveral of them were not even tried by their Peers. Thomas Earl of Lancaſter, the greateſt ſubject almoſt in the kingdom, having been taken priſoner by ſome of Edward's party, was brought before the King and ſeven Earls, in the caſtle of Pomfret; and there, upon the King's depoſing his offence, he was condemned without arraignment or anſwer; and accordingly he was executed. The proceſs was reverſed by the King and parliament, at the beginning of the reign of Edward III. as erroneous, at the inſtance of his brother

and

and heir Henry of Lancaſter: but in the plea of Henry, which he laid before the parliament, A. D. 1327, he did not complain, that his brother had not been tried before a Steward of England; but only, that he had been condemned without arraignment or hearing upon the depoſition of the King; and that he had not been tried by his Peers, as he ought to have been by virtue of the great charter. This Earl Thomas was Steward of England by hereditary right, and yet he never ſat at the tryal of any Peer, nor is he called Steward of England in the parliament roll; which very roll gives the Steward of Scotland his title.

Fourteen other Lords ſuffered death about the ſame time, and on the ſame account; but we know not how they were tried: indeed the only ceremony uſed on ſuch occaſions, ſeems to have been, the bringing them before the King and a few Lords, or before a Judge appointed ſolely for the purpoſe; juſt to paſs ſentence upon them. In 1323, the Earl of Carliſle was beheaded, without being brought before any Peer at all. After he was apprehended, Edward II. ſent Juſtice Scrobe down to York, to try him for treaſon: there the Earl was tried and beheaded. In the ſame reign, the Earl of Arundel and ſeveral other Lords were be-

Hollingſhed.

headed

headed or hanged, by order of Queen Iſabella, wife of Edward II.

In the fourth year of Edward III. Edmund Earl of Kent, uncle to the King, was condemned, in a Council held at Wincheſter: but the form of the tryal has not been tranſmitted to us. In the fiftieth of the ſame King, William of Wykeham Biſhop of Wincheſter was impeached, not by the Commons of England, but by *certain perſons*, whoſe names are not mentioned. The impeachment was not laid before the Lords in parliament, but (as I ſuppoſe) before the King's great Council. The King commiſſioned certain Prelates, and others— *Magnates* of the realm, being of the King's great Council, to try the Biſhop: theſe found him guilty, and deprived him of his temporalties. The offence was of a civil nature, and therefore did not require the ſame forms, as were obſerved in criminal proſecutions. In the ſame year, and not many months before, William Lord Latimer was impeached, and on a civil account likewiſe, by the Commons, before the Lords. Latimer was found guilty, and I learn from an hiſtorical manuſcript in the Britiſh Muſeum, written at the time, that John of Gaunt paſſed ſentence on him. The manuſcript does not ſay, that the Duke

Rymer. Parl. Rot.

did

did this as Steward of England, but ſuppoſes he acted as Preſident of the parliament.

In the tenth of Richard II. Michael de la Pole Earl of Suffolk, and Chancellor of England, was impeached by the Commons before the Lords. The ſentence given againſt him was, that he ſhould be removed from his office of Chancellor, and be impriſoned during the King's pleaſure, and that all grants made by the King in his favor ſhould be reverſed. The next year, Richard having immediately on the diſſolution of the late parliament, taken Suffolk again into his confidence, that Earl was proſecuted afreſh by the appeal of the Duke of Glouceſter, and the Earls of Derby, Arundel, Nottingham and Warwick. He was found guilty; and though he did not appear to the appeal, he was ſentenced to death, and confiſcation. The ſame ſentence was paſſed againſt Robert de Veer Duke of Ireland, who was likewiſe fled. The Archbiſhop of York, who was abſent alſo, and had been appealed in the ſame bill, was declared, as well as the two others, a traytor convict; his goods and chattels were forfeited to the King, and his temporalties ſeized into the King's hands. The Lords ſaid, that it being a new caſe, they would conſider what order ſhould be taken, as to his perſon. The Biſhop of Chicheſter was impeached by

the

the Commons in the ſame parliament, and ſentenced to perpetual baniſhment in Ireland.

In this parliament of the eleventh of Richard II. "all the Lords, as well ſpiritual as temporal, claimed, as their liberty and franchiſe, that the great matters moved in that parliament, and which might be moved in other parliaments in times to come, touching the Peers of the realm, ſhould be managed, adjudged, and diſcuſſed, by the courſe of parliament, and on no account by the courſe of the civil or the common law of the land, uſed in the lower Courts of the realm. Which claim, liberty, and franchiſe, the King kindly allowed them, and conſented to in full parliament." The proceedings againſt the Peers was the reaſon of this proteſt. Does not this ſhew, that it was not quite a decided caſe, whether Peers might not be tried by the civil law? In theſe two parliaments, of the tenth and eleventh of Richard II. no mention is made of an High Steward. The reaſon, I preſume is, that the Duke of Lancaſter, Steward of England, was in foreign parts during thoſe two ſeſſions. Parl. Rot.

Another reaſon for concluding that there was no *acting* Steward of England, before the

the time of Richard II. is, that none of our ancient law books, ſuch as Bracton, Britton, Fleta and the Mirror, ſay a word of any ſuch perſon, though they lived under our Norman Kings, and have given a particular account of our courts of juſtice, and the Judges, who preſided in each of them. Nor is there a word about a Steward of England in the Great Charter of King John; which was drawn up by the Barons, and intended to be the palladium of their rights and privileges. I think if the Barons had known of any ſuch officer, as the Steward of England, who was to act as Chief in their tryals, they would have limited his power, or ſecured his continuance. Probably, they would not have left him to the occaſional and arbitrary nomination of the King. Can we think however, they would have ſaid nothing at all about a perſon, in whoſe hands their lives and fortunes might happen to be?

No Hiſtorian or Record that I have ſeen, acquaints us, by what arguments John of Gaunt maintained his pretenſions to thoſe two particular ſervices, which he performed as Steward of England. Here therefore I have nothing to offer, but what ariſes by probable inference from circumſtances. His title to the Stewardſhip of England being

clear

clear and unqueſtionable, it was natural to a man like him to affix ſome functions to ſo high an office. In tracing the rights of that office, I do not know where he could go, but to the practice of the French Court, which produced the Seneſchal of either kingdom. At the acceſſion of Richard II. the office of Grand Seneſchal was not known in France, but at the coronation of their Kings; who kept it in their hands, and filled it by ſpecial appointment for that ſolemnity only. Here was ground enough for the Duke of Lancaſter to build his claim on, with reſpect to his function at the coronation. He had only to ſay, that the office of Seneſchal was of French extraction, and that he had a right to exerciſe the duties here, which were allowed to the Grand Seneſchal there. At this time, the claimant John of Gaunt was too great to be contradicted; he had almoſt the whole power of government in his hands. He was not therefore in any great danger of meeting with an oppoſition to his demand, even had it been in ſome degree unreaſonable: but it probably met with a more ready compliance, becauſe it was well grounded: the admiſſion of his right to the function required, would give dignity and ſplendor to the coronation; and be a means of preventing, by a previous adjuſtment of diſputed claims, a multitude

of

of conteſts, which had ariſen on former coronations; and which no Court could ſo properly ſettle, as that of the High Steward. The examination, which all perſons underwent at that time, who claimed particular ſervices, either by tenure or cuſtom, may have precluded any diſputes of the ſame kind, from that time to the preſent. The deciſion then made ſeems to have ſettled theſe matters once for all. No new claim has, that I know, been ſet up or admitted ſince; nor has any one, that was then allowed by the Steward of England, been controverted or infringed. Since the time, that moſt of the functions, formerly belonging to the Seneſchal, were transferred to the Grand Maſter, of France, the latter has exerciſed the offices formerly performed by the Seneſchal, at the coronation of a French Monarch.

Cotton MSS. Nero D. VI.

In the ſervices performed at the coronation of our Kings, the property of the reſpective claimants, as well as their privileges and honor, were concerned. The Conſtable, the Mareſchal, the High Chamberlain, held thoſe offices, by virtue of certain lands, to which they might have loſt their titles, if they were not allowed the ſervices, to which thoſe lands were annexed. In like manner, not only particular perquiſites, but certain ma-

nors

nors and lands were held by corporations, and by particular private families, by the ſame ſort of tenure.

In this view, we ſee the Seneſchal of England in a very high judicial character; and from hence we can account for his other branch of office, the ſitting in judgment upon the Peers of the realm. In what manner John of Gaunt made out his claim, with reſpect to this office, hiſtory affords us no poſitive information. But as he could not, I think, pretend to ſuch privilege, but on the ground of it's being a part of the Grand Seneſchal's office in France, while it was hereditary, he muſt have derived his right from the practice of the Earls of Anjou at ſome former period of time. It appears from the ſtipulations made by Count Foulques V. that the Grand Seneſchal was one of the firſt officers of juſtice; probably he conſidered himſelf, as a ſort of Chief Juſticiar of France. Henry II. King of England, acted in the character of Juſticiar of France, in the diſpute mentioned above; and I ſuppoſe, that the hereditary Seneſchalcie of France might include in it a right for the Grand Seneſchal to ſit as judge, in the preſence of, and under the King, in his Court of Peers or Bed of Juſtice, on the arraignment of a Peer.

From the time of our King John, when the Seneſchalcie of France eſcheated to the crown, the preſident of the court at the tryal of French Peers has acted by ſpecial commiſſion; and the office has been conferred on the Chancellor, or Keeper of the Seal. Theſe had not in former ages, a rank and character ſuited to ſo high a truſt; they roſe upon the ruins of their ſuperiors. They were not Peers of the realm, and therefore I ſuppoſe could not judge a Peer. Either of them act in the character of ſupreme judge on ſuch occaſions, only by virtue of a ſpecial commiſſion: which is a certain proof, that ſuch a prerogative is no natural and eſſential part of his place. Why the Kings of France did not affix this judicial part of the old Seneſchal's office to the new inſtitution of Grand Maſter of France, as well as the other part, which concerned a coronation, is eaſily to be accounted for; namely, from an inclination, they found in themſelves, of having it always in their power, to appoint on the tryal of a Peer, a judge, who was thought the moſt fit for the purpoſes of the crown. In this reſpect, the Kings of France and England, for ſeveral ages, were actuated by the ſame political caution.

John of Gaunt might, probably if he had

had been ſo diſpoſed, have revived other dormant claims. Perhaps he might be contented with the two above-mentioned, as the moſt ſplendid appendages of the Seneſchalcie. To have inſiſted on more, might have involved him in contention with other great officers of ſtate, who had then gotten firm poſſeſſion of ſeveral functions exerciſed by the Seneſchals of other kingdoms in preceding times. The two he recovered and exerciſed, were claimed by nobody — had been performed by nobody. The introduction of them could not reaſonably be objected to by any one, if the King aſſented. Theſe inſtitutions ſeem to have been uſeful and neceſſary; inaſmuch as the appointment of an High Steward of England has been adopted from that time to the preſent, for the two purpoſes, and thoſe only, for which the Duke of Lancaſter aſſumed the character of Steward of England.

It may excite the ſurpriſe of the reader, that, though there was a nominal Steward of England, from the conqueſt down to the acceſſion of Richard II. we ſhould find little or nothing performed by ſuch an officer. I can aſſign no certain reaſon for this. I ſhall offer only a conjecture.

It is a mark of the vanity of our Norman

Princes, that they created the ſame officers of ſtate, as were in the palaces of the French Kings. In ſo ſmall a Court as ours, ſuch a number of officers ſtood in each others way, and made confuſion. This ſeems to have been particularly the caſe with reſpect to Seneſchals.

There were properly, during a long period of time, three kinds of Seneſchals in the Courts of our Kings; namely, the hereditary Seneſchal, the chief Juſticiar, and the Steward of the King's houſhold. The chief Juſticiar of England was uſually appointed by the King; and he had no ſuperior but the King. He might as properly be called Seneſchal as Juſticiar. That the two words were conſidered as equivalent, is plain from many ancient writings. In the *Coutumier de Normandiè*, we have ſeen one word explained by the other. I ſhall bring two other proofs; one is from Lambertus Ardenſis, *unde propter eminentem ejus in militiâ fortitudinem temperantiam atque ſapientiam eum in loco ſuo univerſæ terræ Seneſchallum & Juſtitiarium ſibi ſubſtituit atque ballivium.* In *the Roman de Rou MS.* the words are likewiſe ſynonimous;

Du Cange.

A Alain, qui eſtoit ſi hom,
Par l'Archeveſque de Roem

Livra

Livra ſa terre en comandiſe
Come à Seneſchal & Juſtice.

The power of the chief Juſticiar may be conceived, by our taking notice in general, that formerly he alone diſcharged the offices of our modern, Chief Juſtice of the King's Bench, Chief Juſtice of the Common Pleas, Chief Baron of the Exchequer, and Maſter of the Wards. So long as he preſided in the treaſury, the treaſurer acted under him. One principal intention of his office was, that he might ſupply the King's place, as a kind of Viceroy, Keeper of the Realm, and Guardian, while our Kings were abſent in their territories abroad. It appears from ſeveral paſſages in the great charter, that the determinations made by the juſticiars were of the ſame force, as if they were made by the King himſelf. He was ſuperior to all the judges in the kingdom. It was his buſineſs to ſee, that perfect juſtice was every where rendered to the King's ſubjects. He not only appointed the juſtices itinerant, which were, ſtrictly ſpeaking, his ſubſtitutes, but he ſometimes did their office himſelf, that he might perſonally take cognizance of complaints. Thus did Hugh Bigot, as we learn from the following paſſage in Matthew of Weſtminſter: *Dominus Hugo Bigotus, vir fideliſſimus, capitaliſq; totius Angliæ Juſticiarius,* Ad Ann. 1259.

arius, aſſociatis ſibi Rogero Turkebi & Gilberto de Preſton, cæpit per Angliam circuire a comitatu in comitatum, & a libertate in libertatem omnibus pro meritis impenſurus juſticiam. In the King's abſence, the Chief Juſticiar had the command of the fleets and armies. It is ſaid, that the Chief Juſticiar might direct a præcipe to the King, to require him to anſwer to a complaint or ſuit of a demandant. In ſhort, he exerciſed at his pleaſure the offices of Conſtable, of Mareſchal, of Treaſurer, of Admiral, and of Chief Judge.

Matt. Paris. Take the following inſtance, as a proof of the great power of a Chief Juſticiar. In the reign of Henry III. Hubert de Burge Earl of Kent was in that employment: coming to appeaſe a mutiny in London, Hubert called together for that purpoſe, the mayor, aldermen, and other ancients of the city, and declared to them the peril they had incurred of the King's diſpleaſure, and of forfeiture of their liberties, for permitting ſuch outrageous and furious tumults to go unpuniſhed. One of the citizens, named Conſtantine, a man of good worth and rank, anſwered—that the citizens had done well in raiſing force to reſiſt, what they looked upon as injurious to themſelves. Whereupon the Juſticiar ordered Conſtantine to be hanged up immediately, without tryal.

The

The Chief Juſticiar uſed generally to be ſome favorite biſhop, or nobleman of the firſt rank. After the long contention between Stephen and Henry for the crown of England, a compromiſe was effected by Stephen's agreeing to yield the reverſion of the Kingdom to Henry; who was ſhortly after put into a participation of the government; being made by Stephen, Chief Juſticiar. "The King (ſays Hoveden) appointed "the Duke Juſticiar of England, and all "the affairs of the realm were determined "by him. From that time the King and "Duke lived together in friendſhip." In the early part of Henry the Second's reign, Robert Boſſu Earl of Leiceſter was Chief Juſticiar: And we have an extraordinary character given of his abilities, probity, and power, by one who knew him well. *Vidi ego ipſe, qui loquor tecum, temporibus modernis Legreceſtriæ comitem Robertum, virum diſcretum, literis eruditum & in negotiis forenſibus exercitatum. Hic ingenitam habens animi virtutem, paternæ quoque prudentiæ æmulator effectus eſt: cujus induſtria pluribus examinata eſt penes principem noſtrum Henricum Secundum; quem nec palliata prudentia, nec diſſimulata fallit ineptia; ut ex mandato ipſius, non ſolum ad Scaccarium verum etiam per univerſum regnum præſidentis dignitatem obtinuerit.* Dial. de Scaccario.

Dugdale & Matt. Paris.

This office was held according to the ten of the patent whereby it was granted; generally, I preſume, during the King's pleaſure but not always; for Henry III. granted it to Hubert de Burge, with permiſſion to appoint a ſubſtitute with the King's approbation, if Hubert ſhould grow old and infirm. Henry repented afterwards of his folly, and had much difficulty in wreſting the Juſticiarſhip out of Hubert's hands.

The power of the Chief Juſticiar, like that of moſt of the great offices in other kingdoms, became at length inſupportable to the crown: which made the Kings of England look upon it with jealouſy and averſion. His power was accordingly abridged in the reign of Richard I. but it increaſed again in the times of John and Henry III. Before the death of the latter, it was much reduced; but Edward I. put the finiſhing ſtroke to it. Obſerving the ſtrifes and diſſenſions, which had been kindled and inflamed by the exceſſive influence and authority of this magiſtrate, and how ſeverely his father and grandfather had felt the effects of it, he divided the functions of the Juſticiar among the gentry, who were bred up entirely to the ſtudy of the law, and for want of power and connection were not likely in future

future to make themſelves formidable to Kings.

I leave it to greater antiquarians, than I am, to determine whether the hereditary Seneſchal of England and the chief Juſticiar could act at the ſame time, without conteſt, and mutual interference. I doubt, whether the extenſive ſway of the Juſticiar did not make ſuch a cypher of the hereditary Seneſchal, as we find him to be for more than three hundred years.

As to the Steward of the houſhold, his power was certainly very great for ſome centuries after the conqueſt. Some people have doubted, whether at firſt, he was not in ſome reſpect ſubordinate to the hereditary Seneſchal, or Steward, of England. "Some affirm (ſays "a learned Antiquarian of a former age) that "the Bohuns were Stewards of the houſhold "to the firſt Norman Kings; thereby to prove "a difference even from the beginning of "the Normans, between the Stewards of the "houſhold and of England; becauſe the "Bohuns had the one, and the Grentemeſnels "the other: yet I have ſeen a note to prove, "that Bohun was ſubſtitute to Grentemeſ-"nel." Mr. Thynn in Hearne's Cur. Diſc.

That the reader may ſee the quality and offices

offices of a Steward of the houſhold, I ſhall preſent him, in the appendix with ſome tranſlated extracts from two old books of record, called *Domus Regis Angliæ* preſerved in the counting houſe of the houſhold. They were written in the times of the Edwards II. and IV. and will ſtate to us with ſufficient preciſion the office of Steward of the houſhold, in the times of our antient Kings. Accident and particular ſtatutes have made a conſiderable alteration in the nature of this office, ſince the time that theſe books were written; but they will inform us of the nature of this great ſervant of the crown, in the times we have been ſpeaking of, and ſhew the difference between him and the two other Seneſchals, which is all we want on the preſent occaſion.

Since the acceſſion of Henry IV. at which period the Stewardſhip of England, together with the Earldom of Leiceſter, merged in the crown, it has been the conſtant cuſtom for the King to grant the office of Steward of England to ſome Peer of the realm *for that turn only*, by his letters patent. The firſt of theſe was made in the beginning of the reign of Henry IV. who appointed his ſecond ſon Thomas of Lancaſter, Steward of England; which office he declares in the writ,

writ, was part of his own inheritance, as Earl of Leiceſter. This Thomas, then about ten years old, did accordingly ſit as High Steward, in the White Hall, Weſtminſter, to receive, hear, and determine, all claims, reſpecting ſervices to be performed at the enſuing coronation, and the fees appertaining thereto: but on account of Thomas's tender age, the King appointed the Earl of Worceſter as his aſſiſtant. In the letters patent, the office is ſaid to be vacant; alluding to its being in the King. The writs for appointing a Steward at ſubſequent coronations had not this clauſe, and were more general; they only named the Steward, and give him authority to execute the office on the occaſion mentioned. In the letters patent of Edward IV. for creating an High Steward againſt his coronation, there was an exception to the uſual form. They ſet forth, that the Stewardſhip of England was then in his own hands (meaning the hands of Edward); thereby intimating, that the Stewardſhip of England with all the poſſeſſions of Henry VI. was forfeited for treaſon to him, as the right heir to, and lawful king of, the realm of England. But after Edward IV. the old form was reſumed.

When a Peer is indicted, (and pretty nearly

nearly the ſame form obtains, when he is impeached by the Commons of England) the letters patent, for appointing an High Steward to try him, are more large and explicit than the foregoing. They ſet forth, that the office of Steward of England is wanted for the adminiſtration and execution of juſtice; and that the ſame being now vacant, the King confiding in the courage, fidelity, provident circumſpection, and induſtry of the perſon named, ordains and appoints him Seneſchal of England, to perform and exerciſe the ſame for that turn only, with all things to the ſaid office appertaining, and due in that behalf: giving and granting to the perſon named full power; of receiving the indictment, with all things touching the ſame, from the King's juſtices; and at a certain day and place, fixed by the High Steward, of calling before him the Duke, Marquis, &c. according to his degree; and of hearing, examining, and compelling him, to anſwer thereupon, and of terminating the ſame in due manner; and alſo, of conſtraining to appear before him at the day and place ſpecified and appointed, ſo many and ſuch Lords, nobles, and great men of the realm, Peers of the Lord ſo indicted; as that the truth of the caſe may be better known in that behalf. This was the purport of ſuch letters patent about two hundred years ago, when the form was in Latin.

Latin. And the tenor of theſe writs has not been materially changed ſince that time.

Upon receiving his appointment, the High Steward directs a precept to the juſtices, before whom the indictment is taken; willing them to certify the ſaid indictment, at a day and place by him aſſigned. He directs another precept to one of the ſerjeants at arms, to ſummon the Peers againſt the day of trial.

The like precept he alſo ſends to the lieutenant or conſtable of the tower of London, for the bringing forth of the Peer, being priſoner, to his trial and judgment.

For the place of tryal the High Steward hath a court erected in Weſtminſter hall, where both the ſerjeant and the conſtable return their precepts: then the High Steward declares the cauſe of the aſſembly; and the clerk of the crown reads the indictment, to which the Peer pleads, and puts himſelf to be tried by God and his Peers. Then the King's council give evidence; which being done, the priſoner is removed from the bar: the Lords conſult of their verdict, and being returned, the High Steward demands of every one his verdict particularly, beginning

at

at the junior, and if the greater part acquit or condemn, he gives judgment accordingly.

It was not the cuſtom formerly to ſummon all the Peers. And none, I preſume, have a right to vote, but thoſe, who are ſummoned ſpecially by the High Steward, to form a jury. Of ſuch the number in the times of the Tudors and James I. uſed to be twenty-one, twenty-three, twenty-five, or twenty-ſeven. That number was thought ſufficient: an odd one was preferred, to make a majority in the ſuffrages. A Peer could not be condemned, unleſs twelve at leaſt found him guilty. And he had no power of challenging any one of his jury, becauſe they voted upon their honor. The cuſtom which prevails now, is, for the Steward of England to ſummon all the Lords upon the tryal of a Peer.*

The

* In affairs of great national concern, it is certainly proper to take the ſenſe of the whole Peerage, concerning the guilt of any one of their own auguſt body. But what good reaſon can be aſſigned for deviating from ancient practice, and the example of plain and frugal times, on the arraignment of a Peer or Peereſs, for private and perſonal crimes? Would it be any diſparagement to the Peerage, that cauſes of this ſort ſhould be tried by a jury of twenty-five or twenty-ſeven ſage and experienced Lords? Or muſt an expenſive and pompous formality be

The High Steward has no rank given him by ſtatute, but he takes place of every ſubject of the realm by antient right. In France and Germany, his counter parts the Grand Maſter and High Steward have the firſt rank next the ſovereign and the eccleſiaſtic Peers and Princes. The Grand Maſter of France has precedence of the Princes of the blood; out of whom he is generally choſen. When the High Steward ſits in his place under the cloth of eſtate, he is ſpoken to with ſolemn reverence, as if he were the Prince. His addreſs is —*May it pleaſe your Grace*, the old ſtile in ſpeaking to the King.

As the Peers of the realm that are tryors of Peers are not ſworn, ſo the High Steward, who is judge, is not ſworn; yet he ought, (ſays Lord Coke) according to his patent, to proceed according to the laws and cuſtoms of England.

Since the time of Henry IV. any Peer named by the crown has ſerved the office of Steward of England, on the criminal perſe-

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be inſtituted, and every Peer ſummoned; on every occaſion whatever; were it even to try *a lady for a crime*, which if ſhe ſhould be found guilty of, the law did not puniſh?

cution

cution of a Peer; ſince the revolution, the Lord Chancellor for the time being, has been regularly appointed to this office.

Since the reſtoration, it has been uſual for the King, to grant the office of Steward of England to the Lord Steward of the houſhold, for a coronation.

After a Peer has been tried, and ſentence paſſed, the High Steward breaks his ſtaff of office in court; which diſſolves his commiſſion.

Lord

Lord Chief Juſtice COKE's *Account of the Court of the High Steward, with Remarks.*

AFTER this large deſcription of the office of Steward of England, the reader will be ſurprized to find what a different account is given of this great officer, by that luminary of law and learning, the Lord Chief Juſtice Coke, who, in his fourth inſtitute, ſpeaks of the High Steward as follows:

" His ſtile is *Seneſchallus Angliæ*. This " office is very ancient, and was before the " conqueſt. For, I read in an antient and " authentical manuſcript, intitled, *Authoritas* " *Seneſchalli Angliæ*: where putting an ex- " ample of his authority, ſaith—*Sicut accidit* " *Godwino comiti Kanciæ tempore Regis Ed-* " *wardi anteceſſoris Willielmi Ducis Normandiæ* " *pro hujuſmodi malegeſtis & conſiliis ſuis (per* " *Seneſchallum Angliæ) adjudicatus, ſorisfecit* " *Comitivam ſuam.* In the time of the con- " queror, William Fitz-Euſtace was Steward " of England. And in the reign of William

" Rufus and Henry I. Hugh Grantſemenel
" Baron of Hinkley held that Barony by
" the ſaid office. Of antient time this office
" was of inheritance, and appertained to
" the Earldom of Leiceſter, as it alſo ap-
" peareth by the ſaid Record: *Seneſchalcia*
" *Angliæ pertinet ad Comitivam de Leiceſter,*
" *& pertinuit ab antiquo:* that is, that
" the Earldom of Leiceſter was holden by
" doing the office of Steward of England.
" Other records teſtified that it belonged to
" the Barony of Hinkley. The truth is, that
" Hinkley was parcel of the poſſeſſions of the
" Earl of Leiceſter; for Robert Bellomont
" Earl of Leiceſter, in the reign of Henry II.
" married with Petronil daughter and heir
" of the ſaid Hugh Grantſemenel Baron of
" Hinkley, and High Steward of England.
" And ſo it continued until by the forfeiture
" of Simon Montfort it came to King
" Henry III. who in the fiftieth year of his
" reign created Edmund his ſecond ſon
" Earl of Leiceſter, Baron of Hinkley, and
" High Steward of England, which conti-
" nued in his line, until Henry of Bulling-
" broke, ſon and heir of John of Gaunt Duke
" of Lancaſter and Earl of Leiceſter, who
" was the laſt, that had any eſtate of inheri-
" tance in the office of the Steward of
" England. Since which time, it has never
" been granted to any other ſubject, but

" only

" only *hac vice*. And the reaſon was, for " that the power of the Steward of England " was ſo tranſcendent, that it was not holden " fit to be in any ſubjects hands: for the " ſaid record ſaith — *Et ſciendum eſt, quod " ejus officium eſt ſupervidere & regulare ſub " rege, & immediate poſt regem totum regnum " Angliæ, & omnes miniſtros legum infra idem " regnum temporibus pacis & guerrarum, &c.* " and proceedeth particularly with divers ex- " ceeding high powers and authorities, which " may well be omitted, becauſe they ſerve " for no preſent uſe. —— And in reſpect his " power was ſo tranſcendent, I find no " mention made of this great officer in any " of our antient authors, the Mirror, Bracton, " Britton, or Fleta. It ſeemeth, they liked " not to treat of his authority. Neither do " I find him in any act of parliament, nor " in any bookcaſe, before the firſt of " Henry IV. and very few ſince."

The Chief Juſtice profeſſes to take the deſcription, he give us, of the Steward of England, from an antient and authentical manuſcript or record, which he had read. The reader muſt be ſurprized, that the learned lawyer ſhould not tell us, where this record might be found, that it might be conſulted upon an important occaſion, and the authenticity of it eſtabliſhed. There

was ſurely ſufficient reaſon for telling where this record was, and what were its contents, as according to his own account, no law author or ſtatute mentioned the Court of the Steward of England, before the time of Henry IV. and very little was to be found in our law books on the ſubject ſince that time. It happens fortunately, that I find a tranſlation of this unique in Hearne's curious diſcourſes, and the reader is preſented with a tranſcript of it at the end of this diſſertation. Mr. Tate, who wrote a little piece on the office of High Steward, in the time of Queen Elizabeth, had ſeen this curious record, and has given his opinion of it as follows — "I confeſs I have ſeen a Diſ-
"courſe, beginning thus, *Hic annotatur quis*
"*ſit Seneſchallus Angliæ, & quid ejus officium?*
"Wherein is given him a perpetual ſuper-
"intendency over the King's privy coun-
"cellors, and over all the officers and mi-
"niſters of juſtice in this land: but of the
"truth and ſincerity thereof, I am very
"ſuſpicious; for the examples added to con-
"firm the truth by practice, the hiſtories
"diſprove. And if he be made *ſuperviſor*
"*& rector ſub rege & immediate poſt regem*
"*totius regni*, what place is left for the
"Chief Juſtice of England, who, as the
"red book of the exchequer ſaith, *eſt primus*
"*in regno poſt regem ratione fori.*"

If

If theſe are the merits of that record, on which the Chief Juſtice grounds his doctrine concerning the Steward of England; what regard is to be paid to his deſcription of this office? It is very certain, that the author of that record miſtook the Juſticiar of England for the hereditary Seneſchal: whoſe office diſtinguiſhed from that of the Juſticiar, he was an utter ſtranger to: for he never once mentions the only functions, which we know upon unqueſtionable authority, were performed by the hereditary Seneſchal of England, in the reign of Richard II. And he was ſo deſtitute of common judgment, as to ſuppoſe, that the Steward of England, inveſted with the power of our Grand Juſticiar, was an office of inheritance: though we have no inſtance, proving that the High Steward was the Grand Juſticiar of England by virtue of his inheritable office; and our records and hiſtories give us diſtinct catalogues of High Stewards and Juſticiars, who lived at one and the ſame time, from William the Conqueror, to the abolition of the Juſticiars in the reign of Edward I. Lord Coke, upon the authority of this manuſcript only, ſays, that the office of Steward of England was previous to the conqueſt, and he ſupports his aſſertion by the example of Earl Godwin, whom the manuſcript affirms to have been adjudged and condemned to looſe his Earldom. But

the manuſcript does not ſay, he was tried and condemned *by the Steward of England:* which words Lord Coke inſerts in the ſentence, to ſupply what he thought the author of the manuſcript ought to have added, to make the inſtance of Earl Godwin, at all applicable to the point in queſtion.

Great writers frequently betray the dulneſs of common minds in works, looked up to by the world with admiration and awe. Lord Coke furniſhes an inſtance in point, when he gravely maintains, that the Seneſchals office was ſo tranſcendent, that none of our antient authors upon the laws of England liked to treat of his authority. But his authority was never greater, than that of the Chief Juſticiar; and if Fleta, Bracton, Britton, and the Mirror, authors who flouriſhed, when his power ought to be well known, were deterred from deſcribing it, becauſe it was ſo tranſcendent, would they not have told us the motives of their ſilence. They were learned men, who undertook to write upon matters of law and the Engliſh government. Could a power of this kind have exiſted in their times? And can we ſuppoſe, that when they ventured to look the High Steward in the face, they were ſo confounded by the terror of his viſage, that they durſt not ſay one word about him? The truth is, no ſuch officer did exiſt, as

the

the manuſcript deſcribes. We muſt have a ſtrange opinion of William the Conqueror, to ſuppoſe, that Sir Hugh Grentemeſnel, (whom we hardly find mentioned in hiſtory), and his poſterity to the end of time, ſhould be veſted with the authority, which Lord Coke aſcribes to the hereditary Steward of England. Fleta ſays what every body ſees perfectly agrees with our hiſtory, that in the reigns of our firſt Norman Kings, the Chief Juſticiar of England was the great guardian and ſuperintendent of the realm, immediately next to the King. The High Steward was altogether unknown, but by name, and the juſticiar was the firſt miniſter of ſtate. This is demonſtrable from the red book of the exchequer, which was written in the time of Henry II. The author ſpeaking of the court of exchequer, and the great perſons, who ſat there, ſays — *Illic enim reſidet Capitalis Domini Regis Juſticia, primus poſt Regem in regno, ratione fori.—Ex officio principaliter reſidet, imo & præſidet primus in regno, Capitalis ſcilicet Juſticia.—Magnus eſt hic, cujus fidei totius regni cura, immo & cor regis committitur.*

Stewards of England, from the Conqueſt to the preſent Time.

SIR Hugh de Grentemeiſnel.
Ivo.
Sir Hugh de Grentemeiſnel.
Robert de Bellomont Earl of Leiceſter.
Fitzpernel Earl of Leiceſter.
Simon de Montford Earl of Leiceſter.
Simon de Montford, jun. Earl of Leiceſter.
Edmund Crouchbacke, ſon of Henry III. Earl of Lancaſter, Leiceſter, and Derby.
Thomas Earl of Lancaſter, &c.
Henry Earl of Lancaſter, &c.
Henry Duke of Lancaſter.
John of Gaunt Duke of Lancaſter.
Henry Duke of Lancaſter — afterwards King Henry IV.

A List of the Stewards of England, who have been appointed by royal Commission for the Tryal of Peers, with the Names of the Peers tried by them, and their Crimes and Sentences, since Henry *the Fourth.*

Note, *Those Peers to whose Names a Dagger is prefixed, suffered Death; those that have a Star, were condemned, but pardoned.*

High Stewards.	Peers tried.
EDWARD Courtney Earl of Devonshire.	† John Holland Earl of Huntington, for High Treason, 1 Henry IV.
Humphrey Duke of Gloceſter.	Thomas Courtney E. of Devon for High Treaſon, 37 Hen. VI. *Acquitted.*
John Vere Earl of Oxford.	† John Tiptoff Earl of Worceſter, for High Treaſon, 10 Edward IV.
John Vere, Earl of Oxford.	† Edward Plantagenet Earl of Warwick, for High Treaſon, 15 Nov. 15 Henry VII.
Thomas Howard D. of Norfolk.	† Edward Stafford Duke of Buckingham, for High Treaſon, 13 Henry VIII. 1521.

High Stewards.	Peers tried.
Thomas Howard D. of Norfolk.	Ld. Dacres, for High Treaſon, 9. July, 26 Hen. VIII. *Acquitted.*
Thomas Ld. Audley, Chancellor of England.	† Edward Courtney Marquis of Exeter, and * Gertrude his wife, for High Treaſon, 30 Hen. VIII.
William Paulett Marquis of Wincheſter, High Treaſurer of England.	† Edward Seymour Duke of Somerſet, for High Treaſon and Felony, 1ſt. Dec. 5 Ed. VI.
Henry Fitz alan Earl of Arundel.	† Henry Grey Duke of Suffolk, for High Treaſon, 17 Feb. 1 Mary.
Thomas Howard D. folk.	† John Dudley Duke of Northumberland, for High Treaſon, 18. Aug. 1 Mary.
	† William Parr Marquis of Northampton, for High Treaſon.
	† John Dudley Earl of Warwick, ſon of the Duke, for High Treaſon, 18. Aug. 1 Mary.
George Talbot Earl of Shrewſbury.	† Thomas Howard Duke of Norfolk, for High Treaſon, 16. Jan. 14 Eliz.
Henry Stanley Earl of Derby.	Philip Howard Earl of Arundel, for High Treaſon, 18. April, 32 Elizabeth. *Guilty*, but *died in priſon.*

High Stewards.	Peers tried.
Thomas Lord Buckhurſt, High Treaſurer.	† Robert Devereux Earl of Eſſex: and * Henry Wriothſley Earl of Southampton, for High Treaſon, 19. Feb. 43 Eliz.
Thomas Egerton, Ld. Elleſmere, Chancellor of England.	* Lady Frances Carr Counteſs of Somerſet, 24. May, 14 James I. 1616. * Robert Carr Earl of Somerſet, 25. May, 14 James I. 1616, both for murder.
Ld. Coventry, Keeper of the Great Seal.	† Mervil Lord Audley, Earl of Caſtlehaven, for ſodomy and aiding in a rape on his own wife, 25. April, 7 Cha. I. 1631.
Thomas Howard Earl of Arundel.	† Thomas Wentworth Earl of Strafford, for high Treaſon, 24 March, 16 Charles I. 1641.
Edward Hyde, Earl of Clarendon, Chancellor of England.	Thomas Lord Morley for murder, 30. April, 18 Charles II. 1666. *Manſlaughter.*
Heneage Lord Finch Chancellor of England.	Philip Herbert Earl of Pembroke, for murder, 4. April, 30 Charles II. 1678. *Manſlaughter.*

High Stewards.	Peers tried.
Heneage Lord Finch, Chancellor of England.	Charles Lord Cornwallis, for murder, 31 Charles II. 1679. *Not guilty.*
Heneage Lord Finch, Chancellor of England.	† William Viſcount Stafford, for High Treaſon, 30. Nov. 32 Char. II. 1680.
Lord Chancellor Jefferies.	† Henry Lord Delamere, for High Treaſon, 1 James II. 1685. *Not guilty.*
Thomas D'Anvers Marquis of Carmarthen, Preſident of the Council. The great ſeal was in commiſſion.	Charles Lord Mohun for murder, 31. Jan. 4 William and Mary, 1692. *Not guilty.*
John Lord Somers, Chancellor of England.	Edward Earl of Warwick, for murder, 28. March, 11 William and Mary, 1699. *Guilty of Manſlaughter.*
John Lord Somers, Chancellor of England.	Charles Lord Mohun, for murder, 29. March, 11 William and Mary, 1699. *Not guilty.*
William Lord Cooper, Chancellor of Great Britain.	† James Earl of Derwentwater: * William Lord Widdrington: † William Earl of Nithiſdale: * Robert Earl of Carnſath:

High Stewards.	Peers tried.
	† William Viſcount Kenmure: *William Lord Nairn; All for High Treaſon: 9. Feb. 2 Geor. I. 1715.
William Lord Cowper, Chancellor of Great Britain.	George Earl of Wintoun, for High Treaſon, 15. March, 1 George I. *Guilty but made his eſcape.*
Philip Earl of Hardwick, Lord Chancellor of Great Britain.	† William Earl of Kilmarnock. * George E. of Cromartie. † Arthur Lord Balmerino: All for High Treaſon, 28. July, 20 George II.
Philip Earl of Hardwick, Lord Chancellor of Great Britain.	† Simon Lord Lovat, for High Treaſon, 9. March, 21 George II.
Robert Lord Henley, Lord Chancellor of Gr. Britain.	† Lawrence Earl Ferrers, for murder, 16. April, 33 George II.
Robert Earl of Northington, Ld. Chancellor of Great Britain.	William Lord Byron, 16. April, 5 Geor. III. for murder. *Guilty of Manſlaughter.*
Henry Earl Bathurſt, Ld. Chancellor of Great Britain.	Elizabeth Dutcheſs of Kingſton, for polygamy, 15. April 1776. Not yet tried.

A List of those who served the Office of Steward of England, at the Coronations since the Accession of Henry IV.

THOMAS of Lancaster, assisted by Thomas E. of Worcester.	Henry IV. 13. Oct. 1399.
Richard Beauchamp, Earl of Warwick.	Henry V. 9. April, 1413.
Thomas Duke of Clarence.	Catharine his Queen, 14. Feb. 1421.
Humphrey Duke of Glouceſter.	Henry VI. 6. Nov. 1429.
Richard Earl of Warwick.	Edward IV. 28. June, 1461.
(I find nothing on the ſubject.)	Edward V. 1483.
John Howard Duke of Norfolk.	Richard III. 5. July, 1483.
COMMISSIONERS.	
Peter Biſhop of Exeter.	
Jaſper Earl of Pembroke.	
John Earl of Oxford.	Henry VII. 30. Oct. 1485.
John Earl of Nottingham.	
Thomas Ld. Stanley.	
John Lord Fitzwater, Steward of the houſhold.	

Robert Moſten, Keeper of the Rolls.
Thomas Brian, Knt. Chief Juſtice of the King's Bench.
Humphry Starkey, Chief Baron of the Exchequer.
Richard Croft, Knt. Treaſurer of the houſhold.

COMMISSIONERS.

Jaſper Duke of Bedford.
John Earl of Oxford, Great Chamberlain of England.
Thomas E. of Derby.
William Earl of Nottingham.
John Radcliff, Knt.
John Sulyard, Knt. Juſtice of the Common Pleas.
John Hawes, Juſtice of the King's Bench.

} Elizabeth wife of Henry VII. 25. Nov. 3d Henry VII.

COMMISSIONERS.

Earl of Surrey, Treaſurer of England.
Earl of Oxenford.
Sir John Fineux, the Chief Judge.
Sir Thomas Engleſield Knight, &c.

} Henry VIII. 24. June, 1509.

John Lord Ruſſel. } Edward VI. 20. Feb. 1547.

Edward E. of Derby. Mary, 1. Oct. 1553.

Henry E. of Arundel.	Elizabeth, 15. Jan. 1559.
Charles Earl of Nottingham.	James I. 24. July, 1603.

COMMISSIONERS.

Sir Thomas Coventry Lord Keeper.	
James Ld. Ley, High Treaſurer.	
Edward E. of Worceſter, Keeper of the Privy Seal.	
Thomas E. of Arundel and Surrey, Earl Marſhal of England.	Charles I. 2. Feb. 1625.
William Earl of Pembroke, Lord Chamberlain of the houſhold.	
Edward E. of Dorſet.	
Sir Randoll Crew, Ch. Juſtice of the Common Pleas.	

James Butler Duke of Ormond.	Charles II. 23. April, 1661.
James Butler Duke of Ormond.	James II. 23. April, 1685.
William Cavendiſh Duke of Devonſhire.	William and Mary, 11. April, 1689.
William Cavendiſh Duke of Devonſhire.	Anne, 23. Apr. 1702.
Charles Fitzroy Duke of Grafton.	George I. 20. Oct. 1714.
Lionel Cranfield Duke of Dorſet.	George II. 11. Oct. 1727.
William Earl Talbot.	George III. 22. Sept. 1762.

APPENDIX I.

The Steward of the King's Houſhold, from Hearn's curious Diſcourſes.

THE Steward of the King's houſhold receiveth his charge of the King's high and proper perſon, and the houſhold ſtaff, in theſe words following, *Seneſchall tennez le baſton de notre maiſon*; by which there is forthwith a ſtatute made, and therein it is ordained, that the Lord Steward of the houſe ſhall warrant afterward the Marſhalſea, that is, the court of the houſhold, of which he is a judge of life and limb: and except in thoſe caſes, the treaſurer, comptroller, cofferer, two clerks of the green cloth, and the chief clerk of comptrolment, for any matters elſe done within the houſhold, or appertaining thereunto, ſit with him at the *boorde of doome*, that is, at the green-cloth in the compting houſe, as recorders and witneſſes to the truth.

The ſtate of all this excellent houſhold is wholly committed to be ruled and guided by

his diſcretion, and all his commandments in court are to be obeyed and obſerved.

Alſo within the houſhold, except in the King's chamber, he is always to be ſerved covered, out of the King's preſence, whatever great eſtate elſe be preſent, as with a cup, a cupboard, and diſhes, but *non aſſay*.

Alſo while he is preſent in court, there ought no new commandment nor charges of officers, or any other perſons to be made, without commandment, firſt of his perſon for the officers moſt ſure diſcharge.

Alſo in the houſhold's rules and judgments he repreſenteth the King's eſtate: his ſtaff is taken as for a commiſſion.

Alſo he may in houſhold, of his power, annul any cuſtom (not meddle with worſhip or profit) or change and erect anew ſuch as ſeem under his wiſdom, by advice taken at the compting boorde, for the better, and to the King and his houſhold of more honour and profit.

And in that he is head-officer, he giveth example to all other to be of governance, with an ordinate rule to be contented with moderate coſtages within the court in liveries and ſervices, taking dinners and ſuppers in hall,

hall, or in his chamber, as often as it pleaſeth him to ſearch and ſee the good rules and the directions in them.

He hath daily in the hall eating, one chaplain, two Eſquires, and four Yeomen, and in chamber daily for his breakfaſt, and his Chamberlaine's meat, and ſupper, and livery for all night, eight loaves, four meſſes of great meat, two rewards of roaſt, two pitchers of wine, ſix gallons of ale; and from Allhallowntide until Eaſter, one torch, to attend upon himſelf, one tortois to fetch his livery by, three perchers of wax, ſix candles of wax, eight candles of tallow, four faggots, litter, and ruſhes all the year, of the Sergeant Uſher of the hall and chamber: and after winter ſeaſon, four ſhides, two faggots, and when him liketh to have more largely in any thing, then his Chamberlaine that doth fetch it or receive it, muſt record thereof, by taillee, or bill in the compting houſe.

Alſo the Steward taketh of the compting houſe, for his fee at Eaſter and Michaelmaſs, twenty marks, and for his robes at winter and ſummer, at the feaſts of Chriſtmaſs and Whitſontide, ſixteen marks; and for his napery, at the four feaſts of the year, by even portions, three pieces of linnen cloth in the great ſpicery, or in money therefore in the

compting houſe, in all thirteen pounds, one ſhilling, and four-pence.

And he hath one Yeoman of his chamber ſtill abiding, whilſt himſelf is out of court, to keep his ſtuff, taking for his livery, daily one caſt of bread, two meſſes of great meat for noon, and at night one gallon of ale.

The Steward and Treaſurer of this honourable houſhold repreſent within it the eſtate of an Earl. Item, the Steward and Treaſurer, or one of them, is bound to be in the compting houſe at the await of the daily accompts of the houſhold: and by the writing of noble King Edward the Third's ſtatutes, in caſe it paſs for lack of them three days unaccompted, then they two ſhall acquit the coſtages of the King's houſhold for one day, of their own proper coſts. The Steward and Treaſurer make warrants yearly at Michaelmaſs to the Chief Butler of England, aſſigning him how much wine, and in what place he ſhall lodge the ſame for the year following, for the daily expence of the houſhold, which hath, and muſt with good overſight be ſure of three hundred tuns. For other things look into the ſtatute of noble King Edward, &c.

Thus much out of the book called *Domus Regis Angliæ*.

APPEN-

APPENDIX II.

Here is ſhewed who is the High Steward of England, and what his Office is.

THE Seneſchalcye, or high Stewardſhip of England, belongeth unto the Earldom of Leiceſter, and of old tyme did thereunto appertayne, and it is to be underſtood, that it is his office under and immediately after the King, to overſee and govern the whole kingdom of England, and all the officers of juſtice within the ſaid kingdome, in tymes boeth of peace and war, in manner following: Hearne's Cur. Diſc.

" The manner how, and when the Lord " High Steward ought to exerciſe his office " by duty, and the oath of fealty is ſuch: " whenever man or woman ſhall come unto " the King's court, in whatſoever court it " be, and poſſibly unto the King himſelf, " to ſeek for redreſs againſt injury done " unto them, and he or ſhe not being able " in due ſeaſon to obteyne remedy, then the " High Steward of England ought, and is " bound to receive their petitions and com- " playnts, and to keepe them until the next

" parliament, thereafter to be holden, and
" to aſſign unto ſuch complaynants, if he
" think fit, a day wherein they may exhibit
" and proſecute their petitions, and in full
" parliament, in the preſenſe of the King,
" to reprehend or blame that officer, or
" thoſe officers whoever they bee, that ſoe
" have fayled in doing of juſtice, and thoſe
" thereof to call to account, unto whom in
" ſuch caſes every one throughout the king-
" dome is bound to anſwer, the King onely
" except. If the Chancellour of Eng-
" land have fayled of making original
" remedy and amends, and the juſtices,
" treaſurers, barons, and chamberlaines of
" the exchequer, ſteward of the King's
" houſe, eſcheatours, coroners, ſheriffes,
" clearkes, bayliffes, and other officers,
" of what place or records ſoever they be,
" in their proceſſes, judgments, executions
" of judgments, and juſtice to be made to the
" favour of one, and loſs of the other party,
" for gifts, bribes, or other procurements,
" ſhall fyle or give over at the leaſt ways;
" if any Juſticiar, when as both parties plead-
" ing before them ſhall ſtand in judgment,
" ſhall by ſuch falſe procurements deferr
" judgment contrary to juſtice, and the laws
" and cuſtomes of the land; if then the
" Chancellour of England, or any other of
" the King's officers, in ſuch caſe, ſhall al-
" leadge in parliament, and ſay for their
" excuſe,

" excuſe, that in that caſe ſuch hardneſs
" and doubtfullneſs of the law, and right,
" did ariſe when the ſame was heard and
" proponed before them, that neither he
" nor the court of Chancery, or any other
" courts wherein he is an officer, were able
" or knew how to attaine unto the ſafe de-
" termination of the right, then ſhall he
" declare and open the ſame ambiguity and
" doubt in parliament. If then it be found
" that the law was doubtful in that caſe,
" the Chancellour, or other officers ſhall be
" held accuſed, and then ſhall the High
" Steward of England, togeather with the
" conſtable of England, in the preſence of
" the King, and other of the parliament,
" make choice of five and twenty perſons
" more, more or leſſe, according as the caſe
" ſhall require, togeather with ſuch other
" caſes in the parliament rehearſed; amongſt
" whom ſhall be Earles, Barons, Knights
" of the ſhire, citizens, and burgeſſes, who
" there ſhall ordaine, agree upon, and
" eſtabliſh remedye by law in all ſuch caſes,
" for ever after to endure. And thoſe laws
" ſhall be recited, written and allowed in
" full parliament, and ſealed with the great
" ſeal, and delivered forth to all places of law
" and juſtice from thence forward to be
" holden for laws, and in public places,
" where it ſhall be thought expedient, they
" ſhall be proclaimed and divulged: whereas

" all other common laws, and chiefly ſtatute " lawes throughout the whole kingdom, " ought to be publickly proclaymed."

" If it ſo happen that there was in ſuch " like caſe, either common law or ſtatute " law, ſoe that the King's Steward and " others of the parliament may underſtand " and perceive, that ſuch defaults and delays " in proceſſes and judgments do happen by " ſuch officers, when as the deceit and " malice of ſuch officers hath openly and " often before been apparent, then ſhall be re- " moved out of his office, and ſome other " officer fit ſhall be put in his place. If " they ſhall preſume againſt the juſtices and " officers, or by excuſing themſelves, ſhall " ſay that they have not heretofore known " themſelves, and the courts whereby they " are in ſuch caſes to be deliberate and take " adviſement, then ſhall they be admoniſhed " by the Steward on the behalf of the King " and parliament, to ſtudy and ſearch better " the common laws, that noe ſuch ignorance " nor negligence be found in them in the " like caſes afterwards. If they ſhall happen " to offend in the like againe, they then " ſhall be put out of their offices, and other " diſcreter and more diligent perſons ſhall " by the King and his council be aſſigned " in their roomes."

" Likewiſe

" Likewiſe it is the Steward's office (if
" the King have evil councellours about him,
" that adviſe him to doe things tending
" openly and publickly to his diſhonour, or
" to the diſinheriting, and publick hurt of
" his people) for the Steward of England,
" taking with him the conſtable and other
" great eſtates, and others of the commun-
" alty, to ſend to ſuch a counſellour, for-
" bidding him in ſuch ſort to leade and coun-
" ſel the King, and of ſuch his evil counſel
" he ſhall make rehearſall, injoining him
" to depart from the King's preſence, and
" longer not to abide with him to his diſ-
" honour, and the public hurt as is afore-
" ſaid, which if he ſhall not doe, they ſhall
" ſend unto the King to remove him from
" him, and to give no more ear unto his
" councell, for that amongſt the people he is
" eſteemed to be an evil councellour between
" the King and his ſubjects. If hereupon the
" King do not put him away, againe, and
" often ſhall they ſend, as well unto the
" King as unto him: if at the laſt neither
" the King nor ſuch councellours of his have
" regard unto the meſſages and requeſts made
" unto them, but ſhall refuſe to doe there-
" after, then for the weale publick, it is
" lawfull for the Steward, conſtable of Eng-
" land, noblemen, and others of the com-
" munaltye of the realme, with banner in
" the King's name diſplayed, to apprehend

" ſuch

" ſuch chouncellour, as a common enemy to
" the King and the realme, to commit his body
" to ward until the next parliament, and in
" the mean time to ſeyze on all his goods,
" lands, and poſſeſſions, till judgment be
" pronounced of him by advice of the whole
" kingdom in parliament, as it happened
" unto Godwyn, the Earle of Kent, in the
" days of King Edward the Confeſſour, next
" predeceſſour to William Duke of Nor-
" mandy Conquerour of England, who for
" ſuch evil acts, and councells of his, was
" deprived of his Earldome, which eſcheated
" to the aforeſaid King. Notwithſtanding
" at the King's ſuite, and by the noblemen's
" permiſſion, Godwyn came again to England,
" and did after forfeit as before. And as
" it happened likewiſe unto Hubert de Burgh,
" Earle of Kent in the tyme of King
" Henry III. that was ſon of King John,
" who for his evill deeds and bad councell
" was apprehended, and by the high Seneſ-
" chall, and other Peers, deprived of his
" Earledome by the allowance and conſent
" of the whole parliament. So likewiſe did
" it befall unto Pierce of Gaueſton, who in
" the days of King Edward the ſon of King
" Henry, for ſuch his evil acts and councells
" was baniſhed out of all the King of Eng-
" land's dominions, as well on this ſide as
" beyond, the ſeas, which Pierce afterwards
" by the King's means, and the permiſſion of

" the

" the nobility, returned to England and had
" of the King's giuft the Earledome of Corn-
" wall; but was after that, for his evil
" deeds and councell, baniſhed the realme
" againe by the nobles and commons, and
" had his ſaid Earledome eſcheated unto the
" King: but he returned afterwards without
" the noblemen's conſent and leave, and did
" reſort and aſſociate himſelf to the King,
" as before tyme he had done, which when
" the High Steward, Conſtable, and others
" of the nobility underſtood, hee was by
" them apprehended and beheaded att Black-
" low in Warwickſhire, as a public enemy
" to the King and the realme. Soe have
" you as much as in the ſayd old booke is to
" be ſeene touching the office of the High
" Steward."*

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* In the Britiſh Muſeum is a Latin copy of the above piece; it is much damaged and imperfect, and ſeems to have been written about the time of Henry VI. *Cott. MSS. Nero D.* VIII.

FINIS.

ERRATA.

The Reader is desired to correct the following

ERRATA.

Page 10. for *Hildernicum* read *Hildericum.*
11. last line but two, after *palace* add *sometimes.*
18. *d.* (.) after *Poitiers.*
21. in the margin, for *generol* read *Geneal.*
9. *dele* the crotchets, and the lines within them; and in last line but two, for *are* read *were.*
13. at the end of the 18th line, add *a.*
14. line 20. d. *the* before *Bishop.*
36. 8th line of the note, for *nolis* read *nobis.*
43. l. 16. add *l* to *Seneschа.*
44. l. 14. insert *i* in *Lens.*
45. l. 15. add *the* after *suppressing.*
50. l. 6. for *six* read *five.*
51. *dele* the *crotchets* and the lines between them.
61. *dele b.* in *Cambden.*
112. l. 24. for *were* read *was.*
116. Margin insert *Du Cange.*
120. first line, add *or* to *ten.*
127. last line, after *punish* add *it.*